



ORDINARY MEETING OF COUNCIL

AGENDA

12 OCTOBER 2011

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON WEDNESDAY, 12 OCTOBER 2011 AT 5.30PM
CHAMBERS, EDWARD ROAD

A G E N D A

DISCLAIMER:

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Standing Orders Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

1 **ACKNOWLEDGEMENT OF COUNTRY**

2 **DECLARATION OF OPENING**

3 **ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Sean Hickey, PO Box 2966, Geraldton WA 6531**Question

Council now operated a land management/land development division, is that correct?

Response

No, Council does not have a land management/land development 'division' per se. It has a small Land and Property Services Section, within the Commercial Enterprises Department. The Section is currently comprised of two staff members, with the following responsibilities:

- Management of land asset Management Orders
- Management of all land-related leases, contracts
- agreements, vesting orders, titles and easements
- Rationalisation of land holdings - assessment of current holdings and – with prior Council approval - facilitating sale of land deemed surplus to City requirements
- Acquisition of land to meet City needs
- Subdivision and land sale projects

Question

What is the operating expense of this division of council business?

Response

Budgeted operating expenditure for 2011-12 is \$299,000 with budgeted operating income of \$4.495M, flowing from various land and property leases, contracts and agreements.

Question

What is the budget costs projected for the consolidation of this activity in on going years? Will the funding come directly from rates or will its financial viability depend on generated land sales and transactions?

Response

Budget operating costs going forward will reflect such annual adjustments as Council determines in line with its determination of annual Rates. The forward estimates do not indicate significant variations to annual operating expenditure allocations for the Section, to undertake the range of functions specified above.

It is assumed that the second part of the question relates to any land development and sales activities facilitated by the Section. This is just one of the responsibilities facilitated by the Section, and land development and sale projects are not funded from Rates revenue. Consistent with the requirements of the Local Government Act in

regard to major land transactions, each significant land development and sale proposal is subject to prior preparation of a detailed feasibility study and business case. Where land yield and forecast sales revenue justify proceeding with a project, a self-funding loan facility may be utilised to meet the development costs, and the net surplus after repayment of the associated loan is credited to the City's asset development reserve.

Question

What is the operational cost for 2011-12?

Response

As noted above, budgeted operating expenditure for 2011-12 is \$299,000.

Sean Hickey, PO Box 2966, Geraldton WA 6531

Question

Has council noted the significant erosion of beaches along the way from Southgates' to Separation Point? What are the estimates of beaches left and right of African Reef Resort Pathway? Would it be millions of tonnes or perhaps billions eroded?

Response

The seasonal storms contribute to a natural cycle of erosion and accretion of the beach systems (dune/beach/sea-based sandbar) in question. The recently established Geraldton Beach Monitoring program is generating useful photographic evidence of this natural cycle and is starting to show through the photographs that a considerable amount of sediment is moved offshore (to temporal sand bars) and moved back to the beach as part of the coastal processes cycle throughout the year. See attached temporal profile for Tarcoola Beach (May 2011 - Sep 2011).

The Sustainable FMP for the Coast between Separation Point and African Reef study (2005) indicates that there is a surplus of sand in the system. The Geraldton-Greenough Coastal Strategy and FMP describes movement of 20,000-30,000m³ per annum movement of sand moving northwards from the southern beaches (2005). The volumes of sand involved in this cyclical movement of sand have not been directly calculated, but the temporal profile provides an opportunity to calculate such movements. However, it would not be in the order of magnitude to which is referred.

Question

Council through Mr Brun has on a number of occasions confirmed the suitability of residential development for example at the proposed Olive Street Mahomet Precinct on the basis that the beach area is accreting. Given this cycle is now over will Council now concede that as suggested by experts this section of coast, especially a low flat

area like Olive Street, is probably unsuitable for more house pad developments – housing?

Response

As mentioned above, part of the natural coastal shoreline movement cycle erosion and accretion to varying degrees occurs along each stretch of coastline. The City when considering subdivision proposals takes into account the required coastal setback and these are factored into any subdivision design/ coastal setback. An outcome of the City's storm water reuse project for Olive Street is that it will assist in reducing the localised erosion that occurs as part of the south pipe drainage system. Olive Street is an integral part of that storm water reuse system.

Question

Has Council also noted in its search for erosion control in its "hot spot areas" that perhaps nature itself provides the modelling for success in manmade engineering solutions?

Response

The City views that all management options should be considered from a natural do nothing/managed recession approach through to more engineered approaches.

Question

Has council noted the fact that consolidated seaweed/rack deposits act as a reef and stop erosion?

Response

Seaweed deposits provide limited temporal protection to beach systems and form part of the natural coastal processes of this section of coastline. If wave forces increase sufficiently they become ineffectual and the seaweed is taken back out to sea. In addition, they harbour seeds from invasive weeds such as ice plant and sea spinach that are detrimental to the biodiversity of our coastline.

Question

It is time to trial an artificial reef where previous rock walls and rock islands have only increased the erosion of the beaches in the Chapman Road and other precincts? Does Council know that the practice of rock walling continually fails worldwide and in fact rapidly increases the problem?

Response

Artificial reefs and other submerged engineered structures operate in a similar manner to visible engineered structures we see (to dissipate and/or wave energy thus protecting the coastline). There have been both successes and failures of such submerged structures. The installation, monitoring and maintenance of submerged structures can be costly and problematic.

The detached breakwater has served to protect Midalias beach and the City is currently undertaking a detailed concept for the protection of the Beresford foreshore, further to the recently received coastal processes study. Both natural and human-based activities affect the transport of sediment. The Port is obligated to by-pass 12,500m³ of sand per annum as part of a modelled impact of the Port structures. Point Moore itself has accreted over 100m westwards and northwards over the past fifty years which may be impacting on the natural movement of sand irrespective of the Port structures.

There have been both successes and failures of rock walls – the most effective structures have been based on good science and engineering.

5 PUBLIC QUESTION TIME

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

6 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

October		
Nil.		

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

8 DECLARATIONS OF CONFLICTS OF INTEREST

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Greater Geraldton held on 14 September 2011 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	MEETINGS/EVENTS INVITED TO
14 September	Ordinary Meeting of Council	Commissioners
14 September	Bushfire Committee Meeting	Commissioner N Messina,
14 September	Crossland Presentation to update to the City of Greater Geraldton Commissioners	Commissioners
15 September	Regular Meeting with Hon Matt Benson	Commissioner I Carpenter, CEO Tony Brun
15 September	Meeting of Batavia Regional Organisation of Councils (BROC)	Commissioner I Carpenter, Commissioner N Messina, CEO Tony Brun
16 September	Coastal BFAC meeting	Commissioner I Carpenter, Commissioner N Messina, CEO Tony Brun
16 September	Pollinators - City Hive Opening Function	Commissioner Ian Carpenter
17 September	Members Dinner - Geraldton City R&S Sub Branch	Commissioner I Carpenter
19 September	Heritage Committee Meeting	Commissioner I Carpenter
19 September	Yueqing delegation visit to Geraldton	Commissioner I Carpenter, Commissioner N Mcllwaine, CEO Tony Brun
19 September 2011	Western Power Mid West Energy Project – Stage 2 (Northern Section) / Western Power's Access Arrangement submission update (Geraldton) - Monday 19 September 2011	Commissioner N Mcllwaine
19 September	Greater Geraldton Economic Alliance Members and Local Member	Commissioner I Carpenter
19 September	2011 WA Country Builders JJ Clune Medal Count & Dinner	Commissioner I Carpenter
19 September	Midwest Vanadium Meeting	Commissioner N Mcllwaine
20 September	Geraldton-Greenough Sunshine Festival Committee Meeting	Commissioner I Carpenter
21 September	Greater Geraldton Economic Alliance	Commissioner I Carpenter
21 September	Celebration of Chaplaincy	Commissioner I Carpenter
21 September	Regional Art Gallery Meeting	Commissioner N Mcllwaine

22 September	HMAS Sydney II 70th Anniversary Working Group Meeting	Commissioner I Carpenter
22 September	Leaders Edge Event - Australian Institute of Company Directors	Commissioner I Carpenter
22 September	Merry go round consultation final	Commissioner I Carpenter
23 September	Royalties for Regions Mid West Regional Grants Scheme 2011 - Official Opening of the new OSCCA Chilcare Centre	Commissioner I Carpenter
23 September	Hon Norman Moore BA DipEd KP MLC - Fisheries Research and Development Corporation Akoya Project	Commissioner I Carpenter
23 September	Citizenship Ceremony	Commissioner I Carpenter
24 September	Mexican Fiesta - Mid West Gascoyne District Police Mexican Fiesta	Commissioner I Carpenter
25 September	Clay Target Club Crayfish Carnival Shoot	Commissioner I Carpenter
26 September	Extension Hill Meeting - Bill McKenzie Managing Director - City of Greater Geraldton Commissioners & Execs	Commissioners CEO Tony Brun
27 September	Employee Reward and Recognition Program - Morning Tea	Commissioner I Carpenter CEO Tony Brun
27 September	Geraldton-Greenough Sunshine Festival Committee Meeting	Commissioner I Carpenter
28 September	Chair invitation: Mining the Mid West ~ 28 - 30 September 2011 ~ Perth	Commissioner I Carpenter
29 September	Police Remembrance Day Ceremony - District Superintendent Andrew Greatwood	Commissioner I Carpenter
29 September	Museum Advisory Committee Meeting.	Commissioner I Carpenter
29 September	The Endeavour Civic Reception @ The Geraldton Club 5.30pm	Commissioners CEO Tony Brun
30 September	Citizenship Ceremony	Commissioner I Carpenter
30 September	Better Beginnings Ceremony	Commissioner N Mcllwaine
4 October	Community Grants Advisory Committee meeting	Commissioner I Carpenter Commissioner N Messina
4 October	Geraldton-Greenough Sunshine Festival Committee Meeting	Commissioner I Carpenter Commissioner N Mcllwaine
4 October	Verita Road Public Information Session	Commissioners
4 October	Wildflower Tourism Committee Meeting	Commissioner B Thomas

5 October	Oil and Gas Briefing - Australian Institute of Company Directors	Commissioner I Carpenter Commissioner N Messina
5 October	Australia Day Committee Meeting	Commissioner N Messina Commissioner I Carpenter
6 October	Grants Commission	Commissioner I Carpenter
6 October	Coastal Road Group Committee Meeting	Commissioner N Messina
7 October	Awkward Beauty & Building Steak of Creativity - Hon John Day Minister of Planning; Culture and the Arts & Assistant Professor Dr. Darren Jorgensen	Commissioners
10 October	Bush Fire Training	Commissioner N Messina
11 October	Community Crime Prevention Meeting	Commissioner I Carpenter
12 October	Regular meeting with Hon B Ellis and I Blayney	Commissioner I Carpenter CEO Tony Brun
12 October	Ordinary Meeting of Council	Commissioners CEO Tony Brun

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 *Reports of the Chief Executive Officer*

CEO001 FREEMAN OF CITY OF GREATER GERALDTON

AGENDA REFERENCE:	D-11-17205
AUTHOR:	T Brun, Chief Executive Officer
EXECUTIVE:	T Brun, Chief Executive Officer
DATE OF REPORT:	Day Month 2011
FILE REFERENCE:	GO/6/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The purpose of this item is to recognise the Freeman of the previous councils as Freeman of the City of Greater Geraldton.

PROponent:

The proponent is City of Greater Geraldton

BACKGROUND:

The Freeman of the previous Councils are:

Freeman of Mullewa

A J Messina, 2010
 P T Freeman, 2005
 P J Docherty, 2002
 D Brenkley, 1990
 G Eves, 1978
 J J O'Brien, 1972

Freeman of Greenough

F R S Cant, 1973
 B P, Clune, 1993
 R Maslen, 1999
 J D Grant, 1999
 E V Sewell, 1999

Freeman of Geraldton

V S Askew, 1972
 W J Cunningham, 1989
 P G Cooper, 2001
 A J Pepperell, 1993
 N E Wall, 1993

The intent is to formally recognise the current living Freeman of Shire of Mullewa; Shire of Greenough and City of Geraldton as Freeman of the City of Greater Geraldton.

COMMUNITY CONSULTATION:

No community consultation was undertaken.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

Section 691A of the former Local Government Act 1960 of Western Australia Section whereby a person can be given the Title "Honorary Freeman of the Municipality" has been revoked.

The Local Government Act 1995 does not define criteria for the Honour of Freemanship and the title is not noted in the Act.

Council may award this honour to a person that has shown outstanding service and contribution that has benefitted the City in a lasting or enduring nature.

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL AND BUDGET IMPLICATIONS:

The cost of including the Freeman on the City of Greater Geraldton's Honour Board has been allowed for in as part of the Merger Reform budget.

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 4.1.2: Develop and empower the Council.

Regional Outcomes:

There are no regional outcome issues

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

There are no economic issues

Social:

Honouring the Freeman and continuing with the tradition to recognise future members of the community for their outstanding services to the City and the region.

Environmental:

There are no environmental issues

Cultural & Heritage:

There are no cultural and 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 5.20 of the Local Government Act RESOLVES to:

1. NOT honour the Freeman of past Councils as Freeman of the City of Greater Geraldton; and
2. MAKES the determination on the grounds that former Councils honoured their Freeman and that this tradition is not noted in the Local Government Act 1995.

Option 3:

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

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

CONCLUSION:

The Freeman of the previous Councils are, and were, upstanding members of the community who were given the greatest Honour as Freeman due to their outstanding services to the former Councils and the region. As these Councils have amalgamated, the City would like this honour be carried over to the City of Greater Geraldton.

Option 2 is not supported as the Freeman titles are lifelong and the Honour of Freeman should be continued.

EXECUTIVE RECOMMENDATION:

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

1. CONTINUE with the tradition of recognising Honorary Freeman of the City of Greater Geraldton;
2. HONOUR the following persons as Honorary Freeman of the City of Greater Geraldton:
 - D Brenkley;
 - P G Cooper;
 - P J Docherty;
 - P T Freeman;
 - J D Grant;
 - R Maslen;
 - A J Messina; and
3. NOTIFY the Freeman of Council's decision.

11.2 Reports of Corporate Services

CS027 ADOPTION OF INTERIM STRATEGIC COMMUNITY PLAN	
AGENDA REFERENCE:	D-11-15258
AUTHOR:	D Granville, Manager Human Resources
EXECUTIVE:	C Wood, Director Corporate Services
DATE OF REPORT:	4 October 2011
FILE REFERENCE:	GR/1/0001
APPLICANT / PROPONENT:	Nil
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this item is to present the City's draft interim strategic community plan for Council's consideration. This plan has previously been provided to Council at its 14 September meeting for information purposes.

PROPONENT:

Not applicable.

BACKGROUND:

Amendments to the Local Government Act will soon result in local governments having to develop and implement integrated strategic long term plans. These strategic plans will address the minimum requirements to meet the intentions of the Local Government Act and outline processes and activities to achieve an integrated strategic plan at the individual local government level. This entire process must be completed and submitted to the Department of Local Government by 1 July 2012.

The Department has issued a guideline to all councils, demonstrating a prescribed framework within a set timeline. In order to maintain this timeline, the City has commenced this process with the development of a draft interim strategic plan. The interim strategic plan is the first of three overarching plans that need to be developed to meet the minimum requirements of the overall integrated strategic plan. Once this plan has been approved and adopted by Council it will allow the City to commence development of two new planning instruments:

- A Strategic Community Plan, and
- A Corporate Business Plan.

The new regulations will require local governments to develop and adopt these planning instruments at a later date, as part of the overall integrated strategic long term plan.

The attached interim strategic community plan and Integrated Strategic Planning Framework Policy is provided to Council for consideration.

The City has engaged CAM Management Solutions (CAMS) to provide integrated planning software and assist in developing the plans.

Once the strategic community plan is finalised, the City will continue to develop operational team plans to support the achievements of the strategies set in the community plan.

COMMUNITY CONSULTATION:

Consultation has been undertaken in the development of the source documents used as a basis for this interim strategic plan.

The attached draft plan has been developed using existing planning documents and is based on two years of deliberative consultation through key projects such as 2029 and Beyond and the Plans for the Future of both the former City of Geraldton-Greenough and Shire of Mullewa.

COUNCILLOR/OFFICER CONSULTATION:

A workshop was held on 9 September with Commissioners and the City's Executive Management Team to finalise the draft plan.

STATUTORY IMPLICATIONS:

Currently, Section 5.56(1) and (2) of the Local Government Act requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations.

The Local Government (Administration) Regulations 1996 will be amended with requirements for local government to adopt integrated strategic plans.

POLICY IMPLICATIONS:

The attached revised Council Policy 005 – Integrated Strategic Planning Framework is provided for Council consideration.

FINANCIAL AND BUDGET IMPLICATIONS:

The cost of this project is included in the current budget.

STRATEGIC & REGIONAL OUTCOMES:

Strategic & Plan for the Future Outcomes:

Key Result Area 4: Leading the Opportunities.

Outcome 4.1: Leadership in organisation and the community.

Strategy 4.1.3: Implement business and governance frameworks.

Regional Outcomes:

The interim strategic community plan will enable the City to provide relevant and realistic community benefits to the region.

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

The implementation of an integrated strategic plan will have positive effects on the regional economy by supporting key initiatives that promote Greater Geraldton.

Social:

Through this plan, the City aims to set long term initiatives to support the sustainable growth and development of the community.

Environmental:

The strategic plan incorporates the City's environmental sustainability practises and the implementation of local environmental sustainability projects.

Cultural & Heritage:

The plan acknowledges the area's cultural diversity and aims to protect its historical significance.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority pursuant to Section 5.56 of the Local Government Act 1995 RESOLVES to:

1. RECOMMENCE the planning process and develop a new integrated strategic plan;
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 3:

That Council by Absolute Majority pursuant to Section 5.56 of the Local Government Act 1995 RESOLVES to:

1. NOT ADOPT the City of Greater Geraldton Integrated Strategic Plan and Council Policy 005 Integrated Strategic Planning Framework;
 - a. MAKES the determination based on the following reason:
 - b. To be determined by Council.

CONCLUSION:

The City of Greater Geraldton interim strategic community plan was developed by the City's Council of Commissioners and staff as the preferred direction for the City. This document and associated Council Policy for Integrated Strategic Planning Framework is intended to provide a basis on which the newly elected Council can continue with future strategic planning.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority, pursuant to Section 5.56 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the Council Policy 005 "Integrated Strategic Planning Framework";
2. GIVE notice of its intent to ensure full compliance with the *Local Government (Administration) Regulations 1996* by 30 June 2012;
3. ADOPT the interim City of Greater Geraldton Strategic Community Plan; and
4. REFER to the mid-year budget review consideration of additional funding required to ensure sufficient resources to comply with the new provisions and requirements of the Local Government Act.

CS028	COUNCIL POLICIES FOR COUNCILLOR TRAVEL AND ACCOMMODATION AND PROFESSIONAL DEVELOPMENT
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AGENDA REFERENCE:	D-11-15263
AUTHOR:	C Wood, Director of Corporate Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	26 September 2011
FILE REFERENCE:	GO/14/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The attached policies for the City of Greater Geraldton are provided to Commissioners for adoption.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The following council policies have been developed to provide guidance for councillors when seeking to undertake professional development and travel while as a councillor for the City of Greater Geraldton. These policies are as follows:

1. CP027 – Councillor Professional Development
2. CP028 – Councillor Travel and Accommodation

The professional development policy provides the opportunity for councillors to improve their skills and to broaden their knowledge on matters relating to the issues surrounding local government in general.

The travel and accommodation policy provides guidance to councillors on the approval process for undertaking travel and details the types of costs which the City will cover as part of that travel.

COMMUNITY CONSULTATION:

No community consultation was undertaken.

COUNCILLOR CONSULTATION:

Commissioners were consulted as part of this process.

STATUTORY IMPLICATIONS:

Section 3.18 of the Local Government Act 1995.

POLICY IMPLICATIONS:

The attached policies are a preferred direction for these matters and will assist in the governance of the City of Greater Geraldton.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications. Budget allocation for training and travel has been provided for in the 2011/12 budget.

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

Key Result Area 4: Leading the Opportunities

Outcome 4.1: Leadership in organisation and the 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 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 the Council of Commissioners by Simple Majority, pursuant to Section 5.20 of the Local Government Act 1995, RESOLVES to:

1. ENDORSE the Council Policies with the following changes:
 - a. to be determined by Council.
2. MAKE the determination based on the following reason:
 - a. to be determined by Commissioners.

Option 3:

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

1. NOT ENDORSE the Council Policies.
2. MAKE the determination based on the following reason:
 - a. to be determined by Commissioners.

CONCLUSION:

These policies will provide guidelines for councillors wishing to access any training and professional development programs that may enhance and improve the skills necessary to perform their role and function as councillors and will establish clear guidelines for travel and accommodation arrangements for councillors who are required to travel for City business.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the following Council Policies for the City of Greater Geraldton:
 - a. CP027 – Councillor Professional Development
 - b. CP028 – Councillor Travel and Accommodation

CS029 BUDGET AMENDMENTS

AGENDA REFERENCE:	D-11-16223
AUTHOR:	P Radalj, Manager of Management Accounting
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	3 October 2011
FILE REFERENCE:	FM/7/0001
APPLICANT / PROPONENT:	N/A
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this report is for Council to consider the following proposed budget amendments that account for any budget oversight and/or brought forward adjustment, any proposed budget additions or deletions and any Council Resolutions post budget adoption, and to make a determination on whether or not to authorise these proposed amendments.

These amendments take into account any unspent grants as at 30 June 2011, and expenditure items that are being carried over from the 2010-11 financial year. The proposed amendments will have zero impact on the budget bottom line.

In amalgamating the former City of Geraldton-Greenough and Shire of Mullewa chart of accounts into the newly created City of Greater Geraldton chart of accounts profiling changes (nature and type) have occurred in relation to classification of income/expenditure and operating/capital and this is reflected in the attached financial statement under current budget. Again, these profiling changes have zero impact on the budget bottom line as there is no change to any original budget allocation.

PROPONENT:

Not applicable.

BACKGROUND:

The proposed budget amendments have been identified under the following criteria:

- a. Accounting for unspent or prepaid grant funds from the 2010-11 quarantined in Cash Reserves to be brought forward into the 2010/11 budget;
- b. Projects of both an operating and capital expenditure nature carried over from 2010-11;
- c. Authorised budget amendments under Council resolution that have occurred post budget adoption;
- d. Newly confirmed revenue post budget adoption; and
- e. Newly proposed budget additions or deletions.

a. Unspent Grant Funds/CGG Contributions

The following projects were funded by grant funds in 2010/11 and were not completed as at 30 June 2011. The unspent portion of both the grant and tied CGG contribution (if applicable) were restricted into Cash Reserves as part of the 2010-11, End of Year Process. Additionally, any prepaid grants were also restricted as part of this process. These amendments allow the transfer of restricted grant funds from the reserves and the associated expenditure to occur in 2011/12:

Table 1 (Restricted Grants):

Project Description	Amount
Expenditure:	
Eadon Clarke Redevelopment	\$246,839.65
Amalgamation – Instalment One Funding	\$451,793.00
Long Term Financial Planning	\$50,000.00
Integrated Strategic Planning	\$43,299.00
CCTV Library Car Park	\$25,000.00
Let There Be Light	\$20,000.00
Tracking Geraldton Graffiti	\$17,169.00
Mid West Indigenous Health Forum	\$50,000.00
Aquarena Creche	\$200,740.00
Aqua Equipment	\$22,000.00
Beresford Foreshore	\$100,000.00
Geraldton Greater Themed Interpretive Trail	\$8,447.00
2011/12 Book Week	\$1,804.00
Finding My Place	\$1,654.00
Library Redevelopment	\$50,000.00
Youth Writers Award (Randolf Stow)	\$3,188.00
Art Gallery Storage Racks	\$14,579.00
Asset Management Improvement Project	\$9,112.00
Sustainable Future City Project (2029 Beyond)	\$154,039.00
Depot Relocation	\$161,280.00
Foreshore Art	\$30,000.00
Wonthella Oval Sewer Connection	\$32,000.00
Mid West Procurement Officer	\$15,000.00
Little Athletics	\$3,015.00
Geraldton City Band	\$5,000.00
Mid West Sports Federation	\$5,000.00
Meet & Greeters	\$4,910.00
Geraldton Bicycle User Group	\$7,500.00
You're Welcome Access Project	\$22,727.27
Water Wise Grant	\$7,484.10
Total Expenditure (A)	\$1,763,580.02
Revenue:	
Transfer of Restricted Funds From Reserve 280	-\$1,763,580.02
Total Revenue (B)	
Net Budget Movement (A) – (B)	0

Table 1(A) (Prepaid Grants)

Grants Prepaid 2010-11 for 2011-12 Projects	Amount
Eastern Breakwater Redevelopment Funding – Transfer From Reserve 280 (A)	-\$2,247,000.00
Adjustment to Grants & Contributions –Foreshore Redevelopment budget allocation 2011-12 (B)	\$2,247,000.00
Net Budget Movement (A) – (B)	0

Note: The adopted budget reflected that funding from Royalties for Regions for the Eastern Breakwater Development would be received in 2011-12. However, these funds were received at the end of the 2010-11 financial year and were subsequently transferred into Reserve 280. The above table denotes the source of Revenue for this funding is via a transfer from Reserves where the grants funds are currently held and not as grant income to be received in this financial year.

b. Carried Over Works from 2010-11:

The following table lists both operating and capital projects carried over from 2010-11 to be incorporated into the 2011-12 Budget.

Table 2: Expenditure

Capital Item:	Amount
Foreshore Merry Go Round	\$80,000.00
Foreshore - Lighting	\$40,000.00
Foreshore – Wiebbe Hayes Square	\$30,000.00
Foreshore – Verge & Drainage Works	\$20,000.00
Aquarena – Louvre Replacements	\$45,000.00
Depot Relocation	\$450,000.00
Derna Parade Park Redevelopment	\$574,400.00
Waggrakine Hall – Replace Roof	\$25,000.00
Walkaway Old Goods Shed – Replace Roof	\$20,000.00
McCartney and Evans Intersection	\$80,000.00
Aquarena Creche	\$100,000.00
Library Redevelopment	\$54,500.00
HD Prime Mover (Mullewa)	\$186,166.36
Operating Item:	
WA Regional Cities Alliance	\$46,666.00
Boat Ramp Study	\$40,000.00
Business Incubation/Industry Capacity Mapping	\$20,000.00
Total Expenditure	\$1,811,732.36

c. Council Resolutions (Budget Amendments):

The following table lists budget amendments authorised by Council post budget adoption.

Table 3:

Council Resolution	Amount
Council Item CE004 (Airport Runway Design)	\$480,000.00
Council Item CE003 (Airport Valuation)	\$10,000.00
Council Item CE003 (Airport Assessment Study)	\$25,000.00
Council Item CE013 (Airport X-Ray Screening System)	\$113,000.00
Council Item CC009 (Livcom Awards Finals)	\$30,000.00
Council Item CC011 (Mullewa Community Safety Officer)	\$100,162.00
Council Item CC013 (Contribution to Pollinators Inc)	\$42,000.00
Council Item CI001 (HMAS Sydney – Fifth Element)	\$30,000.00
Council Item CS021 (Self Supporting Loan – Geraldton Hockey Association)	\$250,000.00
Total Expenditure	\$1,080,162.00

d. Confirmed Revenue (Post Budget Adoption):

The following table lists confirmed revenue not recognised in the current budget allocations for 2011-12.

Table 4:

Revenue Source	Amount
RADS Funding – (Airport Runway – Design)	-\$240,000.00
Foreshore Redevelopment Funding	-\$120,000.00
Library Redevelopment – Final Acquittal Funds	-\$54,500.00
Disaster Relief and Recovery Arrangements (Storm Damage Claim – FESA funding)	-\$100,000.00
Aquarena Creche – (Contributions)	-\$100,000.00
Roads to Recovery Funding (Part of 2011-12 Allocations)	-\$325,842.00
Regional Road Group Funding (Unclaimed 2010-11)	-\$47,000.00
Proceeds of Sale (Prime Mover – Mullewa)	-\$13,000.00
Proceeds of Sale (Side Tipper – Mullewa)	-\$41,363.00
Active Smart Officer Funding	-\$38,749.00
Recreational Boating Facilities Scheme (Boat Ramp Study)	-\$30,000.00
Royalties for Regions – Derna Parade	-\$287,005.00
Proceeds of Loan – Geraldton Hockey Association	-\$250,000.00
Total Revenue	-\$1,647,459.00

e. New Budget Expenditure Additions:

The table below lists expenditure items not included in adopted budget due to the following contexts:

1. Recently identified projects given high priority status due to risk management, asset management and occupational health and safety issues;
2. Statutory financial obligations;
3. Projects initiated by new grant funding;
4. Budget oversight; and
5. Expiring motor vehicle leases ex Shire of Mullewa – align to City's Plant Replacement Policy.

Table 5:

Budget Additions (Activity)	Context	Amount
Aquarena Creche (New septic tanks and leach drains)	1	\$7,000.00
CCTV Surveillance Cameras (QPT)	1	\$10,000.00
CCTV Surveillance Camera (Rest Centre)	1	\$5,000.00
Rovers Football Club (Extend Leach Drains)	1	\$5,000.00
Maitland Park Toilets (Replace Septic System)	1	\$8,000.00
Towns Football Club (Replace Squash Club Roof)	1	\$25,000.00
Triton Place Toilets (Replace Concealed Cisterns)	1	\$5,000.00
Pages Beach Ablutions (Painting Renewal)	1	\$10,000.00
Fire Prevention – Bushfire Clearing & Mitigation	1	\$40,000.00
Mid West Sports Academy	4	\$50,000.00
Long Service Leave Liability – Ex Employee	2	\$10,032.00
Active Smart Officer	3	\$38,749.00
Plant Replacement – Holden Cruze (Mullewa District Office)	5	\$21,842.00
Plant Replacement – XL Ranger Dual Cab (Mullewa District Office)	5	\$24,500.00
Minor Plant Replacement	4	\$42,300.00
Total Expenditure		\$302,403.00

f. Deleted Projects:

The following represents projects that either were given an incorrect budget allocation at time of adoption or have been replaced with projects that have a higher priority ranking based on risk management, asset management and occupational health and safety issues.

Table 6:

Project	Amount
Recreation Ground Carpark (Budget Duplication)	-\$40,000.00
Waggrakine Hall (Electrical Upgrade)	-\$15,000.00
Total Savings	-\$55,000.00

Summary:

The following table summarises all movements in expenditure and revenue aligned to maintaining the same overall budget bottom line result.

Table 7

Negative Movement Against Budget	Amount
Table 1 – Restricted Funds Expenditure	\$1,763,580.02
Table 1A - Adjustment to Grants & Contributions	\$2,247,000.00
Table 2 – Carried Over Works From 2010-11	\$1,811,732.36
Table 3 – Council Resolutions (Post Budget)	\$1,080,162.00
Table 5 – Budget Additions	\$302,403.00
Total (A)	\$7,204,877.38
Positive Movement Against Budget	
Table 1 – Transfer from Reserve 280	-\$1,763,580.02
Table 1A - Grants Prepaid in 2010-11 (Transfer from Reserve 280)	-\$2,247,000.00
Table 4 – Confirmed Revenue (Post Budget)	-\$1,647,459.00
Table 6 – Budget Deletions	-\$55,000.00
Sub-Total (B)	-\$5,713,039.02
Transfers From Reserves	
Transfer from Reserve 280	-\$105,000.00
Transfer from Reserve 270	-\$148,666.00
Transfer from Reserve 100	-\$388,000.00
Transfer from Reserve 110	-\$590,000.36
Transfer from Reserve 120	-\$123,000.00
Transfer from Reserve 240	-\$137,172.00
Sub-Total (C)	-\$1,491,838.36
Net Movement Against Budget A-(B+C)	\$0

During the merging of the former City and Shire old Chart of Accounts into the newly created City of Greater Geraldton Chart of Accounts, profiling changes occurred to correct and align nature/type and capital/operating classifications.

While these changes did not alter any adopted budget individual allocations or the budget bottom line position, changes did occur in the financial statements under various operating and capital nature/type categories. These changes are denoted under Current Budget attached.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR/OFFICER CONSULTATION:

Consultation has occurred between Directors and Managers from each Directorate.

STATUTORY IMPLICATIONS:

Section 6.8 of the Local Government Act which requires any expenditure not included in the annual budget to be authorised by absolute majority.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The proposed amendments will have zero impact on the budget. As per the adopted budget, the carried forward deficit remains at \$565,015.00.

The total closing balance for all Cash-Backed Reserves at the end of this financial year is now estimated to be \$6,379,318.66.

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

Key Result Area 4:	Leading the Opportunities
Outcome 4.1:	Leadership in organisation and the community
Strategy 4.1.3.2:	Ensure timely and accurate advice is provided in all meeting agendas
Outcome 4.2:	Constituent centric organisation
Strategy 4.2.2.1:	Assist in the enhancement and maintenance of financial systems
Strategy 4.2.2.3:	Preparation and updating of financial management reports

Regional Outcomes:

There are no regional outcome issues.

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:

Absolute Majority is required to AMEND budget allocations.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority by virtue of section 6.8 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the proposed budget amendments as detailed in tables listed below and AUTHORISE any unauthorised expenditure contained within the proposed amendments based on the following;
 - a. Restricted Funds – Table 1;
 - b. Adjustment to Grants & Contributions – Table 1A;
 - c. Carried Over Works From 2010-11 – Table 2;
 - d. Council Resolutions (Post Budget) – Table 3;
 - e. Confirmed Revenue (Post budget) – Table 4; and
 - f. Profiling Changes (Current Budget) as per attachment.
2. NOT APPROVE the proposed budget amendments as detailed in tables listed below and NOT AUTHORISE any unauthorised expenditure contained within the proposed amendments based on the following;
 - a. Budget Additions – Table 5; and
 - b. Budget Deletions – Table 6.

Option 3:

That Council by Simple Majority RESOLVES to DEFER consideration of this matter.

CONCLUSION:

These budget amendments have been proposed based current resource requirements to support program and project activity and to account for unspent budget allocations from 2010-11.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority by virtue of section 6.8 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the proposed budget amendments as detailed in tables listed below and as summarised in Table 7;
2. AUTHORISE any unauthorised expenditure contained within the proposed amendments based on the following:
 - a. Restricted Funds – Table 1;
 - b. Adjustments to Grants & Contributions – Table 1A;
 - c. Carried Over Works From 2010-11 – Table 2;
 - d. Council Resolutions (Post Budget) – Table 3;
 - e. Confirmed Revenue (Post Budget) – Table 4;
 - f. Budget Additions – Table 5;
 - g. Budget Deletions – Table 6; and
 - h. Profiling Changes (Current Budget) as per attachment.

CS032 CONFIDENTIAL - OFFICE ACCOMMODATION PROJECT - ARCHITECTURAL SERVICES

AGENDA REFERENCE:	11-D-16159
AUTHOR:	N. Arbuthnot, Director Corporate Services
EXECUTIVE:	C. Wood, Director Community Infrastructure
DATE OF REPORT:	13 October 2011
FILE REFERENCE:	PM/4/0005
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - CONFIDENTIAL

Confidential Item, which has been circulated to the Commissioners separately.

That Council by Simple Majority RESOLVES to DEFER to the end of the meeting.

11.3 Reports of Sustainable Communities

SC014	ADOPTION OF DRAFT LOCAL PLANNING POLICY, 'RESIDENTIAL DESIGN CODES – VEHICULAR ACCESS'
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AGENDA REFERENCE:	D-11-15977
AUTHOR:	M Connell, Manager Town Planning Services
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	23 September 2011
FILE REFERENCE:	LP/8/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

City officers have prepared a draft policy regarding the appropriate standards for domestic vehicular access, specifically driveways and crossovers (included as Attachment No. SC014). This report recommends the adoption of the draft policy for the purpose of public advertising.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Residential Design Codes has specific design elements that deal with vehicular access. In essence the Codes state that vehicular access should be safe in use and adequately formed.

The intent for the policy is to specify the minimum standard for vehicular access so that it is considered to be safe and adequately formed and also to ensure that crossover construction maintains the levels of the verge and any changes do not compromise the infrastructure within the verge.

The policy specifies that domestic driveways should comply with Australian Standard AS/NZS 2890.1:2004 or are certified in writing from a professionally qualified civil engineer that the particular grade line is safe.

Crossovers should not alter the natural ground level of the verge or where the natural ground level of the verge is altered, the crossover gradient is a maximum of 1 in 40 (+2.5%).

There is a general presumption against lowering the verge level as this may have implications for minimum cover of essential services located in the verge.

The policy will also assist in streamlining issues that may arise in the current approach with the impending introduction of the new Building Act 2011.

COMMUNITY CONSULTATION:

Policies are required to be advertised for a period of 21 days with a notice in a newspaper for 2 consecutive weeks.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

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 1: Opportunities for Lifestyle.

Outcome 1.1: A sustainable, built urban and rural environment.

Strategy 1.1.2 Ensure effective delivery of statutory planning and building regulations.

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 and heritage issues.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedent set by previous Council or Executive, however it should not be construed that there are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to adopt as a draft the "Residential Design Codes – Vehicular Access" Local Planning Policy; and
2. MAKES the determination on the grounds that approval of the policy would compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to defer the matter.

CONCLUSION:

It is considered essential, that in the interest of providing a sound planning framework from which the local government can be guided in its discretion and decision making process, that new policies be prepared and existing policies be revised.

Option 2 is not supported as the policy will specify the minimum standard for vehicular access so that it is considered to be safe and adequately formed and will also ensure that crossover construction does not compromise the infrastructure within the verge.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ADOPT the “Residential Design Codes – Vehicular Access” Local Planning Policy as a draft and advertise it for a period of 21 days;
2. ADOPT for final approval the “Residential Design Codes – Vehicular Access” Local Planning Policy should no objections be received during the advertising period; and
3. REQUIRE staff to present to Council a further report should there be any objections received during the advertising period.

SC015	ADOPTION OF DRAFT LOCAL PLANNING POLICY – ‘SINGLE HOUSE & ANCILLARY STRUCTURES PLANNING ASSESSMENTS’
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AGENDA REFERENCE:	D-11-15986
AUTHOR:	N Browne, Senior Statutory Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	21 September 2011
FILE REFERENCE:	LP/8/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

City officers have prepared a draft policy in order to address the requirements of the new building regulatory processes of the Building Act 2011 (included as Attachment No. SC015). This report recommends the adoption of the draft policy for the purpose of public advertising.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The new Building Act 2011 contains provisions that only allow a permit authority (the City) to approve a building permit if all other matters (including town planning) have been satisfied.

The relevant Local/Town Planning Scheme stipulates that a single house (including any extensions and ancillary outbuildings/structures) may be exempt from planning approval provided it complies with the requirements of the Scheme and the Residential Design Codes. All other types of development require the planning approval of the local government.

In order for the City to be satisfied that the applicant has complied with each provision of a town planning written law and local planning policy it is essential that sufficient information is provided with an application for a building permit.

The intent for the policy is to stipulate the minimum requirements applicable in order to determine whether the applicant has complied with each provision of a town planning written law and local planning policy.

It is proposed to have a generic planning assessment form which is required to be completed and submitted with the application for a building permit. The planning assessment will only determine if a development is exempt from requiring planning approval of the local government. If it is determined through the planning assessment that a development requires a planning approval then the separate process of obtaining a planning approval is still required.

The City can provide the planning assessment or an assessment can be carried out from another provider. The draft policy also stipulates the applicable fee should an applicant request that the City provide the planning assessment.

The new Building Act 2011 is proposed to be gazetted on 31 October 2011.

COMMUNITY CONSULTATION:

Policies are required to be advertised for a period of 21 days with a notice in a newspaper for 2 consecutive weeks.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Through the adoption of the policy the City will be able to separately charge for planning assessments which are currently provided but the service included in the building licence application fee.

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 1.1.2 Ensure effective delivery of statutory planning and building regulations.

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 and heritage issues.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedent set by previous Council or Executive, however it should not be construed that there are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to adopt as a draft the "Single House & Ancillary Structures Planning Assessments" Local Planning Policy; and
2. MAKES the determination on the grounds that approval of the policy would compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the matter.

CONCLUSION:

It is considered essential, that in the interest of providing a sound planning framework from which the local government can be guided in its discretion and decision making process, that new policies be prepared and existing policies be revised.

Option 2 is not supported as the policy will specify the minimum requirements applicable in order to determine whether the applicant has complied with each provision of a town planning written law and local planning policy as required by the new Building Act 2011.

There is considered sufficient information for Council to determine the matter and additionally as the new Building Act 2011 is proposed to be gazetted on 31 October 2011, Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ADOPT the "Single House & Ancillary Structures Planning Assessments" Local Planning Policy as a draft and advertise it for a period of 21 days;
2. ADOPT for final approval the "Single House & Ancillary Structures Planning Assessments" Local Planning Policy should no objections be received during the advertising period; and
3. REQUIRE staff to present to Council a further report should there be any objections received during the advertising period.

SC016	PROPOSED TOWN PLANNING SCHEME AMENDMENT – HIGHWAY COMMERCIAL REZONING, WONTHELLA
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AGENDA REFERENCE:	D-11-15993
AUTHOR:	K Elder, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	23 September 2011
FILE REFERENCE:	LP/7/00032
APPLICANT / PROPONENT:	Landwest
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lots 62, 63, 74, 82, 83 North Coastal Highway, Wonthella to the “Highway Commercial” zone.

This report recommends that Council initiate the scheme amendment.

PROPONENT:

The proponent is Landwest on behalf of the prospective purchasers of Lots 83 and 74 North West Coastal Highway – Major Holdings Pty Ltd and Eastcott Nominees Pty Ltd.

BACKGROUND:

The land subject of this amendment comprises 5 privately owned lots on the western side of the North West Coastal Highway, located north of Houtman Street.

The subject land area comprises additional use (service industry) and special use (service station) lots along North West Coastal Highway which contain the following land uses:

- Lot 62 – Salvation Army Thrift Shop;
- Lot 63 – Midwest Mowers and Small Engines;
- Lot 82 – Shell Wonthella Service Station; and
- Lot 83 & 74 – Former Wests Glass display and workshop.

The abutting the properties to the west along Pelsart Street are used for mainly residential purposes.

The amendment also proposes to delete the Additional Uses A1-A3, and A49 (Service Industry) from Town Planning Scheme No. 3 (Geraldton).

Relevant extracts from the scheme amendment report are included as Attachment No. SC016.

Locality Plan:



COMMUNITY CONSULTATION:

Should Council initiate a scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning & Development Act 2005.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The Lots 62, 63, 74 and 83 are currently zoned Residential R12.5/40/50 with an Additional Use of Service Industry, while Lot 82 is zoned “Special Use – Service Station” under the City’s Town Planning Scheme No.3 (Geraldton).

The amendment proposes to rezone the land to the “Highway Commercial” which has the following objective:

to ensure the provision of service commercial activities, including bulky goods retailing with regard for relevant strategies and policies adopted by Council.

Council policies will therefore be to:

- *permit under the zone a wide range of uses appropriate to achieving the objective; and*
- *encourage development along the North West Coastal Highway in locations with regard for relevant strategies and policies adopted by Council.*

Part 5 of the Planning & Development Act 2005 provides for the amendment of a Local Planning Scheme.

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 1: Opportunities for Lifestyle.

Outcome 1.1: A sustainable, built urban and rural environment.

Strategy 1.12: Develop and implement a strategic planning framework.

State Planning Strategy:

The State Planning Strategy (1996) identified the following vision for the Mid-West Region:

in the next 33 years the region will continue to grow and diversify its economic base in the areas of agriculture, mineral development, downstream processing of commodities and tourism.

It further states that Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.

It is considered that this amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Regional Outcomes:

Geraldton Regional Centre Strategy 2005:

This Strategy developed a long-term strategic plan to secure the viability and attraction of the Geraldton Regional Centre as the primary commercial, community and tourist focus for the Mid West region. The subject land is located within 'Precinct 8 –Highway Commercial' which recognised that there are already sites that are developed for commercial activities.

Geraldton Region Plan 1999 & Greater Geraldton Structure Plan Update 2011:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject land is identified as 'future industrial and service commercial' on the structure plan.

City of Greater Geraldton Interim Commercial Activity Centres Strategy:

This Strategy provides an interim broad regional planning framework to coordinate the location and development of shopping and associated commercial activities. The subject land is within the "Highway Commercial Area".

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

This amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 24 February 2009 resolved to give final approval to Scheme Amendment No. 47 which proposed the rezoning of an area of land on the western side of the North West Coastal Highway between Phelps Street and Critch Place to the "Highway Commercial" zone.

Council at its meeting held on 10 November 2009 resolved to give final approval to Scheme Amendment No. 53 which proposed to rezone Lots 274, 275 & 278-281 Fourth Street, Wonthella to the "Highway Commercial" zone.

Council at its meeting held on 22 February 2011 resolved to give final approval to Scheme Amendment No. 58 which proposed to rezone Lots 30 and 31 North West Coastal Highway and Lot 32 Wittenoom Street, Wonthella to the "Highway Commercial" zone.

Council at its meeting held on 22 February 2011 resolved to give final approval to the Interim Commercial Activity Centres Strategy.

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 Part 5 of the Planning & Development Act 2005 RESOLVES to:

1. REFUSE to initiate an amendment to Town Planning Scheme No. 3 (Geraldton) which proposes to rezone Lots 62, 63, 74, 82, 83 North West Coastal Highway, Wonthella to the 'Highway Commercial' zone; and
2. MAKES the determination on the grounds that the amendment would create an undesirable precedent and compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the matter.

CONCLUSION:

It is considered that the amendment is consistent with the overall strategic planning framework and direction for commercial activity in Geraldton. It is consistent with the specific direction prescribed in the Interim Commercial Activity Centres Strategy which shows the land as Highway Commercial.

Option 2 is not supported as the amendment is generally consistent with the regional planning direction and local planning framework as it applies to the area.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to Part 5 of the Planning and Development Act 2005 RESOLVES to:

1. AMEND Local Planning Scheme No. 3 (Geraldton) by rezoning Lots 62, 63, 74, 82, 83 North West Coastal Highway, Wonthella to the 'Highway Commercial' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

11.4 *Reports of Creative Communities*

CC015	FIRE MITIGATION BUDGET REVIEW
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AGENDA REFERENCE:	D-11-16361
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	20 September 2011
FILE REFERENCE:	ES/6/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

This item serves to request a budget amendment to enable necessary identified bush fire mitigation works to occur.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton has in excess of 1000 reserves and is responsible for fire mitigation of Council properties and road verges. Every year the City of Greater Geraldton and its former known entities have ensured mitigation works have taken place by way of prescribed burning, slashing or mulching of vegetation and installation or maintaining fire breaks.

Due to significant rainfall and subsequent vegetation growth, the City of Greater Geraldton 2011/12 budget allocation for fire mitigation works will not be sufficient to meet those mitigation needs. The growth exceeds previous years and the moisture within the ground is indicative of re-growth and the need to re-visit mitigation works during the fire season.

The City of Greater Geraldton has a strong focus on community safety and it is important that the City leads by example and allocates resources accordingly to reduce the fire risk to its community. The City of Greater Geraldton has written to all agencies and organisations that manage land within the community and conveyed the importance and implications of not mitigating their managed lands appropriately. All rate payers have been issued with a First and Final Notice which clearly outlines their responsibilities as land owners and their part in keeping the community safe from bush fire.

COMMUNITY CONSULTATION:

A First and Final Notice has been sent to all Ratepayers outlining their responsibilities as land owners and their part in keeping the community safe from bush fire. In addition to this the City of Greater Geraldton has used the talk about Greater Geraldton page, radio talks and a roadside bill board to increase community awareness on fire and responsibilities related to fire mitigation.

The City of Greater Geraldton has written to all agencies and organisations that manage land within the community and conveyed the importance and implications of not mitigating their managed lands appropriately.

COUNCILLOR CONSULTATION:

Commissioner Carpenter and Commissioner Messina represent the City of Greater Geraldton on the Coastal Bushfire Advisory Committee meeting.

Commissioner Messina attended the District Operations Advisory Committee and the Mullewa Bushfire Advisory Committee meetings.

STATUTORY IMPLICATIONS:

Pursuant to section 33 of the Bush Fires Act 1954 the City of Greater Geraldton requires land owners undertake fire prevention measures.

POLICY IMPLICATIONS:

There are no policy implications relevant to this report.

FINANCIAL AND BUDGET IMPLICATIONS:

The Fire Prevention – Clear Council Land account currently has an amount of \$70,000 allocated for mitigation works in the City of Greater Geraldton 2011/12 budget.

It is requested that this amount be increased by \$40,000 to \$110,000. This additional funding is available due to a budget input oversight that resulted in an over allocation in the corresponding amount to upgrade the Recreation Ground Car Park (budget requirement \$45,000 – budget allocation \$85,000).

STRATEGIC & REGIONAL OUTCOMES:

Strategic & Plan for the Future Outcomes:

- | | |
|--------------------|---|
| Key Result Area 1: | Opportunities for Lifestyle. |
| Outcome 1.4: | A safe and secure community. |
| Strategy 1.4.1: | Improve the capacity of the City for responding to emergencies. |

Regional Outcomes:

The City of Greater Geraldton is considered a Regional Centre. A well prepared community for the impacts of bush fire demonstrates effective management and leadership in Local Government.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Severe bush fires can impact the local economy.

Social:

Mitigating Council managed land enhances a safer and better prepared community from the impact of bush fire.

Environmental:

The City of Greater Geraldton conduct mitigation burns of areas of natural bushland for fire protection (e.g. Chapman River Regional Park) in accordance with approved Management Plans (A mosaic of burnt areas within bush reserves is considered as being environmentally prudent).

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 required for Option 1.
Simple Majority required for Option 2.

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 RESOLVES to:

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

CONCLUSION:

It is important that the City of Greater Geraldton effectively manages its land and mitigates the bush fire risk. Recent vegetation growth and the future work associated with re-growth have identified the need for a budget review. Option one (deferral) is recommended to ensure sufficient funds are allocated to the task of mitigating the fire risk on Council owned and managed lands. Option two is not supported as it is essential we act in a timely manner to mitigate the fire risk to the community.

EXECUTIVE RECOMMENDATION:

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

1. AMEND the City of Greater Geraldton Fire Prevention (Council Land) budget for 2011/12 to \$110,000; and
2. APPROVE the transfer of \$40,000 from account 29935 (Recreation Ground Car Park) to account 5101016 (Fire Prevention – Clear Council Land).

CC016	BUSH FIRE CONTROL OFFICER APPOINTMENTS
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AGENDA REFERENCE:	D-11-16362
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	27 September 2011
FILE REFERENCE:	ES/6/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

To provide Council the opportunity to review and appoint Bush Fire Control Officers for the City of Greater Geraldton.

To provide Council the opportunity to endorse restricted and prohibited burning periods for the City of Greater Geraldton.

PROponent:

The proponent is the City of Greater Geraldton

BACKGROUND:

The Bush Fires Act 1954 Part IV Division 1 s.38 (1) states *“a local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it”*.

As the City of Greater Geraldton is a new Local Government it is required that Bush Fire Control Officers are appointed for the control of bush fire and the issuing of fire permits.

The Officers presented within the item are current Bush Fire Control Officers, have recently completed (or soon to complete) training. With the approaching fire season the appointed officers and their duties have been reviewed and are submitted to Council for consideration.

The City of Greater Geraldton is required by the Bush Fires Act to determine restricted and prohibited burning periods. These periods differ between the former City of Geraldton-Greenough and the former Shire of Mullewa. The City of Greater Geraldton needs to submit such determination to the Fire and Emergency Services Authority for gazettal.

COMMUNITY CONSULTATION:

Once Council has endorsed the appointment of the Bush Fire Control Officers, the names of the appointed Officers will be advertised.

COUNCILLOR CONSULTATION:

Commissioner Nino Messina has been invoked in discussions in his capacity as Deputy Chief Bush Fire Control Officer

STATUTORY IMPLICATIONS:

The Bush Fires Act 1954 Part IV Division 1 s.38 (1) states “a local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it”.

The Bush Fires Act 1954 Part III Division 2 s.17 (7) (a) and the Bush Fires Act 1954 Part III Division 2 s.18 (10) (a) relate to local government determining restricted and prohibited burning periods.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There is no impact on the 2010/11 budget.

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

Key Result Area 1: Opportunities for Lifestyle.

Outcome 1.4: A safe and secure community.

Strategy 1.4.1 Improve the capacity of the City for responding to emergencies.

Regional Outcomes:

At the expense of the Fire and Emergency Services Authority local Bushfire Brigades have and will continue to assist other areas with Bushfire control, when large fires exhaust local resources.

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

There are no economic issues.

Social:

In providing for a safe and secure community the appointment of the positions of Bush Fire Control Officers add to the acknowledgement from the community that the City of Greater Geraldton has an effective structure for response to bush fire.

Environmental:

There are no environmental issues although local Bush Fire Brigades do assist the City of Greater Geraldton in burning areas of natural bushland for fire protection e.g. Chapman River Regional Park in accordance with approved Management Plans (A mosaic of burnt areas within bush reserves is considered as being environmentally prudent).

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Both the City of Geraldton-Greenough Council and the Shire of Mullewa Council have appointed Bush Fire Control Officers in the past.

DELEGATED AUTHORITY:

Positions of Fire Control Officer are appointed by Local Government and the functions of the said positions are carried out as per the Bush Fires Act 1954 Part IV Division 1 s.38 (1).

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:**PART A**

That Council by Simple Majority pursuant to the Bush Fires Act 1954 Part V s.67 and the Bush Fires Act Part IV Division 1 s.38 RESOLVES to:

1. APPONTS the following Bush Fire Control Officers and positions:
 - a. to be determined by Council.

PART B

That Council by Simple Majority pursuant to the Bush Fires Act 1954 Part III Division 2 s.17 (7) (a) and the Bush Fires Act 1954 Part III Division 2 s.18 (10) (a) RESOLVES to:

1. DETERMINE that the Restricted Burning Periods and Prohibited Burning Periods for the City of Greater Geraldton are:
 - a. to be determined by Council

CONCLUSION:

The local government must appoint Bush Fire Control Officers including the positions of Chief and Deputy Chief Bush Fire Control Officers. It is also essential for the local government to prescribe restricted burning periods and determine prohibited burning periods. It is because of this that there is no

cause to provide a third option. The current appointed Chief Bush Fire Officer, Deputies and other Fire Control Officers as recommended will ensure an effective structure for the prevention and response to bush fires within the City of Greater Geraldton. All areas indicated as restricted and prohibited burning areas are as they have been previously for the respective former local government entities.

EXECUTIVE RECOMMENDATION:

PART A

That Council by Simple Majority pursuant to the Bush Fires Act 1954 Part V section 67 and the Bush Fires Act Part IV Division 1 section 38 RESOLVES to:

1. APPOINT the following Bush Fire Control Officers and positions:

Chief Bush Fire Control Officer and Fire Weather Officer

- Andrew Darbyshire

Deputy Chief Bush Fire Control Officer and Fire Weather Officers

- Nino Messini (Mullewa Bush Fire Brigades);
- Craig Wing (Geraldton-Greenough).

Deputy Chief Bush Fire Control Officers

- Tom Hartman (Mullewa Place Manager);
- John Oliver (Coastal Ag South); and
- Warren Treasure (Coastal Ag North).

Fire Control Officers

- Len Hamersley, Walkaway;
- Danial Treasure, Moonyoonooka;
- Michael Marsh, Waggrakine;
- Ian Grant, East Chapman;
- Don Spark, Cape Burney;
- Peter Freeman, Eradu;
- Murray Preston, Casuarinas;
- Mick Tierney, Mullewa Central;
- Brett Steele, Mullewa South;
- Zac Grima, Pindar;
- Paul Messina, Tenindewa North; and
- Daniel Critch, Tenindewa South.
- Andrew Royce, Cape Burney;
- Kevin White, Cape, Burney;
- Tom Burges, Cape Burney;
- Bruce Garratt, Walkaway;
- Garry Criddle, Waggrakine;
- Jerry Clune, Moonyoonooka;
- Jim Giles, Moonyoonooka;
- Darryl Hamersley, Walkaway;

- Steve Buscumb; Geraldton Works Crew.

Fire Control Officers

- Archie Brown (Ranger)
- David Geqwin (Ranger);
- Bill Currans (Ranger);
- Ben Tomasino (Ranger)
- Doug Brennan (Ranger);
- Emma-Jay Ingrams (Ranger);
- Cole Tanner (Ranger);
- Judy Clarke (Ranger);
- Konrad Seidl (Community Law and Safety Manager).

Fire Control Officers for Permit Issuing Duties only

- Johannes Muller (Administration Officer);
- Valda Gray (Administration Officer);
- Alan Hughes (Civic Centre Customer Service);
- Laarni Madison (Civic Centre Customer Service);
- Alison Barndon (Civic Centre Customer Service);
- Rhonda Parker (Civic Centre Customer Service).

PART B

That Council by Simple Majority pursuant to the Bush Fires Act 1954 Part III Division 2 section 17 (7) (a) and the Bush Fires Act 1954 Part III Division 2 section 18 (10) (a) RESOLVES to:

1. DETERMINE that the Restricted Burning Periods and Prohibited Burning Periods for the City of Greater Geraldton (wards of Champion Bay, Chapman, Port, Tarcoola and Willcock, inclusive of the localities of Waggrakine, Moresby, Woorree, Deepdale, Meru, Narngulu, Cape Burney and Rudds Gully) are:
 - a. Restrictions all year
 - b. Prohibited 19 October – 14 March
2. DETERMINE that the Restricted Burning Periods and Prohibited Burning Periods for the City of Greater Geraldton (Hills Ward exclusive of the localities of Waggrakine, Moresby, Woorree, Deepdale, Meru, Narngulu, Cape Burney and Rudds Gully) are:
 - a. Restricted 7 September – 7 April
 - b. Prohibited 19 October – 14 March
3. DETERMINE that the Restricted Burning Periods and Prohibited Burning Periods for the City of Greater Geraldton (Mullewa ward) are:
 - a. *Restricted* 1 October – 15 March
 - b. *Prohibited* 1 November – 28 February
4. DETERMINE that these restricted and prohibited burning periods will apply every year unless they are modified by a resolution of Council; and
5. ADVISE the Fire and Emergency Services Authority of the determined restricted burning periods.

CC017	CITY OF GREATER GERALDTON LOCAL LAWS 2011
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AGENDA REFERENCE:	D-11-16363
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	27 September 2011
FILE REFERENCE:	LE/5/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x8)

SUMMARY:

The attached suite of City of Greater Geraldton local laws are provided for consideration by the Commissioners to adopt under section 3.12 of the *Local Government Act 1995* (the Act).

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Council at its meeting on 13 July 2011 resolved as follows:

Part A

That the Council of Commissioners by Simple Majority in accordance with s.3.12 of the Local Government 1995 RESOLVES to:

1. *APPROVE the state-wide public notice of the following local laws in order to seek public comment:*
 - a. *Activities in Thoroughfares and Public Place and Trading Local Law 2011;*
 - b. *Animals, Environment and Nuisance Local Law 2011;*
 - c. *Bush Fire Brigades Local Law 2011;*
 - d. *Cemeteries Local Law 2011;*
 - e. *Dogs Local Law 2011;*
 - f. *Fencing Local Law 2011;*
 - g. *Health Local Law 2011;*
 - h. *Local Government Property Local Law 2011;*
 - i. *Parking and Parking Facilities Local Law 2011;*
 - j. *Pest Plants Local Law 2011; and*
 - k. *Meeting Procedures Local Law 2011.*
2. *SUBMIT to the Minister for Local Government a copy of all proposed local laws;*
3. *SUBMIT to the Minister for Emergency Services a copy of the Bush Fire Brigades Local Law 2011;*
4. *SUBMIT to the Minister for Health a copy of the Health Local Law 2011; and*
5. *SUBMIT to the Minister for Agriculture a copy of the Pest Plants Local Law 2011.*

COMMUNITY CONSULTATION:

The City advertised the proposed local laws in the West Australian on Saturday 30 July 2011, with the closing date for submissions being Monday 12 September 2011. The City also advertised the proposed local laws in the Geraldton Guardian on Friday 29 July 2011 and Friday 12 August 2011 and the Mid West Times on Thursday 28 July 2011. In addition a community workshop held on Thursday 22 September 2011 was advertised in the Geraldton Guardian on Friday 9 September and Friday 16 September 2011 and the Mid West Times on Thursday 8 September 2011.

At the close of the submission period only one community comment had been received. The comment referred to the requirements for the keeping of farm animals on properties under the Animals, Environment and Nuisance Local Law 2011. A further submission to the City of Greater Geraldton was received during this time from the Drummond Cove Progress Association. This related to enforcement of local laws to stop four wheel drives and other off road vehicles from accessing the beach and coastal reserve between Drummond Cove and Smuggler's Car Park. This information was considered as it was relative to the new local laws.

The City also conducted a community workshop on Thursday 22 September 2011 which was attended by six community representatives, City staff and the consultants assisting the City with the local laws project.

Several points were considered during the workshop including the following:

- Beach access by vehicles;
- Private use of public reserves; and
- Dog exercise areas particularly on beaches.

The Department of Local Government (DLG) on behalf of the Minister for Local Government provided comments in respect to each of the proposed local laws. The Minister for Agriculture and Food provided comments in relation to the proposed Pest Plant Local Law 2011. The Fire and Emergency Services Authority on behalf of the Minister for Emergency Services advised by telephone that it endorsed the Bush Fire Brigades Local Law 2011. The Health Department on behalf of the Minister for Health has provided comments on the proposed Health Local Law 2011.

The comments received from the DLG covered a number of aspects including general typographical and formatting issues. These changes, which have not affected the intent of the proposed amendments, have been incorporated into the final documents.

Other comments from the DLG that may affect the intent of each of the proposed local laws are detailed in this report.

COUNCILLOR CONSULTATION:

No further consultation has been undertaken with Commissioners other than as part of the community workshop.

STATUTORY IMPLICATIONS:

Section 3.12 of the Act 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 summarized 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 any comments provided;
- 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 proposed local laws are outlined below together with comments from the community and the DLG along with the purpose and effect for each local law.

Activities in Thoroughfares and Public Place and Trading Local Law 2011

The DLG has provided a number of comments relating to the Activities in Thoroughfares and Public Place and Trading Local Law 2011 as follows:

Clause 1.4(2) and (3) deal with previous policy of the City and as such are administrative in nature and represent internal decisions made by the City. As

a result, the City does not need to use this local law for the purposes of changing or overruling previous policy decisions. The consultant is of the view that these clauses could be removed and has amended the proposed local law accordingly.

Clause 2.1(a) states that a person may not plant any plant that exceeds 0.75 metres within 10 metres of an intersection. By implication, this clause would allow plants up to 0.75 metres to be planted within 10 metres of an intersection.

The Joint Standing Committee on Delegated Legislation (JSCDL) has previously held that such a clause may result in traffic safety risks around intersections, particularly where children may be crossing those intersections. The clause has been amended to read as follows:

- (a) *plant any plant (except grasses or a similar plant) within 6 metres of an intersection;*

The proposed local law has been amended accordingly.

As of August 2011, the Building Act 2011 came into operation. This legislation now governs the issuing of building licences.

Clause 2.4(2) has been reworded to reflect this legislative change.

Clause 2.13 states that where the City or an authority is empowered to carry out public works on a verge, the City is not liable to compensate any person for any disturbance caused. Under clause 2.13(c), the City is also not liable to replace or restore any verge treatments, sprinklers, pipes or reticulation equipment.

This has the effect of being an “ouster clause”, since it ousts the jurisdiction of the courts. The effect of this subclause is to block the private remedies that an individual might bring against the City for negligence or other legal grounds.

The JSCDL has formed the view that ouster clauses are beyond the limits of legislative authority granted by the *Local Government Act 1995*. At this time the JSCDL Committee has not yet found an issue with this specific clause in previous local laws and as such the City is advised as a potential matter for consideration.

No change has been made to the proposed local law.

Clause 4.7 - this clause states *“In the absence of proof to the contrary, a shopping trolley is taken to belong to a retailer whose name is marked on the trolley”*.

As a rule, the plaintiff or applicant to a legal action is responsible for proving the elements of that legal action. This rule is presumed to apply under

common law, except where enacting legislation has expressly stated that the onus of proof is reversed.

The JSCDL has previously explored this issue in the local laws of other local governments. In those cases, the JSCDL held the view that no action was required, since the burden on retailers was not particularly onerous.

The JSCDL has, however, formed the view that such a clause may not be able to sustain a legal challenge in the event of a prosecution or civil action.

No change has been made to the proposed local law.

Clause 5.16(b) – following a check by the DLG of the list of undertakings requested by the JSCDL, it appears there is an issue with subparagraph (b).

The JSCDL has recently asked for undertakings for this clause to be deleted, since it may prevent the local government from granting approval to deal with legitimate fire hazards.

The proposed local law has been amended accordingly to remove the subclause.

Clause 6.3(3) - the DLG has noted that this clause was previously included in another local government's local law. In that case, the JSCDL requested an undertaking that the clause be deleted.

The JSCDL has not yet published any reasons for why the undertaking was sought. It is possible that the Committee felt the clause was too vague, or had the potential to lead to unreasonable outcomes.

No change has been made to the proposed local law.

Clause 6.17(c) –subparagraph (c) states that the permit holder must comply with “any local law made under the *Food Act 2008*”.

The DLG has indicated that The *Food Act 2008* does not grant local government the power to make any local laws. Since no local laws are able to be made under the *Food Act 2008*, subparagraph (c) has no practical effect.

The proposed local law has been amended accordingly to remove the subclause.

Schedule 1 – modified penalties – the DLG has noted that several modified penalties in the Schedule are higher than \$500.

Under section 9.17(3) of the *Local Government Act 1995*, a modified penalty for an offence cannot exceed 10% of the maximum penalty that may be imposed by a court.

The proposed local law has been amended to a penalty of \$500 to avoid being inconsistent with the Act.

The purpose and effect of this local law is as follows:

Purpose:

To consolidate various local laws relating to activities in thoroughfares and public places and trading.

Effect:

Some activities are prohibited; some activities are permitted only under permit in thoroughfares and public places. The local law also enables a local government to require house numbering and the erection of fences in certain circumstances.

Animals, Environment and Nuisance Local Law 2011

During the community consultation period one comment was received as follows:

There needs to be a clarification of the land types i.e. Semi Rural, Special Rural, Rural. This will be unclear for all residents in Deepdale, Woorree, and Waggrakine and some other surrounding areas.

We have 5 sheep on or 2.5 acre (1ha) property in Deepdale and have done for approx. 3 years. In reading the new proposed local law we would need a permit.

The comment relates to a requirement under clause 2.9 of the Animals, Environment and Nuisance Local Law 2011 that a person is required to have a permit to keep a farm animal on any property other than one zoned rural. A "farm animal" is described to include a horse, cow, sheep, goat, pig or other ungulate. Clauses 2.10 to 2.15 of the Animals, Environment and Nuisance Local Law 2011 outline the requirements for applying for a permit and the conditions under which a farm animal are to be kept.

No change has been made to the proposed local law to address this issue.

The only changes proposed by the DLG to the Animals, Environment and Nuisance Local Law 2011 other than general typographical and formatting issues is as follows:

Schedule 3 – Prescribed offences

the penalty for clause 3.9 has been amended create a specific offence for failing to remove the refrigerant before disposing of a disused refrigerator.

The purpose and effect of this local law is as follows:

Purpose:

To provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

Effect:

To establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Bush Fire Brigades Local Law 2011

The only changes proposed by the DLG to the Bush Fire Brigades Local Law 2011 were general typographical and formatting issues.

The purpose and effect of this local law is as follows:

Purpose:

To make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

Effect:

To align existing local laws with changes in law and operational practice.

Cemetery Local Law 2011

The DLG has provided a number of comments relating to the Cemetery Local Law 2011 as follows:

The proposed Cemetery Local Law 2011 was originally designated as the Cemeteries Local Law 2011. As the local law refers to only one cemetery it is more properly referred to in the singular. The title and other references in the local law have been changed accordingly.

The Application clause has been amended to read as follows:

- *This local law applies to the Mullewa Public Cemetery (Reserve No. 3334 and Reserve No. 25429) in the district.*

Reference to the word "Board" throughout the document has been amended to read "local government". The word "Board" appears within the WALGA model local law. The Cemeteries Act 1986, however, confers the functions to the "local government" when the care, control and management of a cemetery are vested in the "local government".

The JSCDL has previously queried the use of the word "expelled" within clause 5.5 of the Cemetery Local Law 2011 as it is felt they may simply be referring to being ordered to leave the cemetery there and then due to behaviour that breaches the provisions in the local law. Clause 5.5 of the local law has been deleted and clause 5.4 has been redrafted to reflect the changes required.

Other changes to the Cemetery Local Law 2011 included adding further definitions in clause 1.5, rewording clause 6.1(1)(a) and clause 8.6 as well as general typographical and formatting issues.

The purpose and effect of this local law is as follows:

Purpose:

To provide for the orderly management of the Mullewa Public Cemetery (Reserve No 3334 and Reserve No 25429) in accordance with established plans and to create offences for inappropriate behaviour within the cemetery grounds.

Effect:

To ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemetery, or otherwise providing services to or making use of the cemetery.

Dogs Local Law 2011

The only changes proposed by the DLG to the Dogs Local Law 2011 were general typographical and formatting issues.

At the community workshop on Thursday 22 September 2011 there was considerable discussion on areas of the City on which dogs should be prohibited and places on the beach which could be designated dog exercise areas. These are listed as Schedule 3 and Schedule 4 of the local law.

One area that was extensively discussed at the community workshop was prohibiting dogs from sand dunes and vegetation adjacent to public beaches. A new clause has been incorporated into the local law as clause 5.2(1)(g) which prohibits dogs from "any vegetation or sand dune adjacent to a public beach".

The consultant is of the view that this clause will not provide the required prohibition without the need to extensively sign the areas in which case clause 5.2(1)(a) would provide adequate control without the need for clause 5.2(1)(g). It is also likely that the JSCDL will query the intent of the clause.

The purpose and effect of this local law is as follows:

Purpose:

To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

Effect:

To extend the controls over dogs which exist under the *Dog Act 1976*.

Fencing Local Law 2011

The only changes proposed by the DLG to the Fencing Local Law 2011 were general typographical and formatting issues.

The purpose and effect of this local law is as follows:

Purpose:

To provide a sufficient fence for purposes of the *Dividing Fences Act 1961* and to state the materials to be used and safety measures to be taken for some types of fencing.

Effect:

Enlarges the compliance requirements of the *Local Government (Miscellaneous Provisions) Act 1960* with respect to the erection and maintenance of fencing.

Health Local Law 2011

The DLG has provided a number of comments relating to the Health Local Law 2011 as follows:

In regard to clause 5.12 Cats the DLG has advised that the Parliament is currently debating the Cat Bill 2011 and as such if the legislation passes the Parliament any previous local laws may be inconsistent with the new legislation. It has been suggested by the DLG that the clause could be deleted. The consultant is of the view that as the legislation is unlikely to have effect until late 2012 it should be retained. It is likely that new local laws will be required to complement the Cat Bill 2011 in which case the relevant clauses could be repealed at that time.

In clause 7.3(3) the term “any thing” is used to describe insanitary conditions of a dwelling. The DLG is of the view that this term is vague and uncertain. The consultant has viewed a number of other recently adopted Health Local Laws and they have all contained the term. It is therefore considered an acceptable term.

The Health Department has provided a number of comments relating to the Health Local Law 2011 as follows:

- In subclause 1.5(1) in the definition of “hot water” it is noted that the temperature has been set at 75° C. The Health Department has suggested that for reasons of energy conservation and user safety the temperature has been set at 65° C. The City concurs with this suggestion.
- The Health Department has suggested that Clause 3.7 could be improved if the limited use of “alternative source” water is permitted. A new subclause (3) which as follows has been added:

(3) The water supply to toilets or for garden use, may be from an alternative source, not necessarily drinking water”.
- Subclause 10.1(2) provides for penalties relating to offences under the Health Local Law 2011. The *Health Act 1911* has been amended to provide a higher level of penalties. The proposed local law has been amended accordingly.

Other changes to the Health Local Law 2011 were general typographical and formatting issues.

The purpose and effect of this local law is as follows:

Purpose:

To provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well being of the community.

Effect:

To allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

Local Government Property Local Law 2011

During the community workshop on Thursday 22 September 2011 there were a number of issues raised with regard to beach access for vehicles. The City gave a commitment that the Local Government Property Local Law 2011 would not be included in the recommendation to Council.

As a consequence, all previous local laws covering the areas within new City related to the content of this local law will not be repealed therefore allowing the opportunity for the City to continue to manage these areas.

A robust community consultation process similar to that required for Pages Beach will be progressed to identify areas of vehicle access to be recommended to Council. The information received during the community workshop will be used as a basis or starting point for the consultation. Other recent studies on the coast will also be taken into consideration.

This information will then be used to progress the new Local Government Property Local Law through Council.

A timeframe for the entire process from consultation to the local law being adopted (others repealed) should not exceed 6 months.

Parking and Parking Facilities Local Law 2011

At the time of writing this report the DLG had not finalised its comments on the proposed local law. As a consequence, it would be prudent to withdraw the local law from the process of adoption until the comments are received. Once comment has been received the local law can be progressed. It is anticipated that this local law should be recommended to Council within 3 months.

Pest Plants Local Law 2011

No changes were proposed by the DLG to the Pest Plants Local Law 2011.

The purpose and effect of this local law is as follows:

Purpose:

To provide a process for requiring landowners to control and eradicate declared pest plants on their properties.

Effect:

To control the spread of declared pest plants.

Meeting Procedures Local Law 2011

The DLG provided a number of comments in relation to the Meeting Procedures Local Law 2011. Much of these comments related to editing and formatting with exception to the following recommendations:

- In regard to Clause 1.4 it was suggested that subclause (2) be inserted which relates to defined terms and expressions having the meaning govern to them in the Act and Regulations.
- In regard to Clause 7.14(1) it was suggested that that the JSCDL has on at least one occasion deleted this subclause, but not in other cases. The DLG allowed for the City to use its discretion on including the sub clause. The subclause was included.
- In regard to clause 19.1 it was recommended that the maximum penalties for standing orders be at a limit of \$1000. This has been applied with a further \$100 daily penalty.
- In relation to Clause 1.3, it was recommended that this was deleted and this has been accepted.

The purpose and effect of this local law is as follows:

Purpose:

To provide procedures which apply to the conduct of meetings of the Council, its committees and to meetings of electors.

Effect:

To control the operation of council, committee and electors meetings

Repeal Local Law 2011

The Repeal Local Law 2011 was considered by the Council at its meeting on Wednesday 10 August 2011 and was advertised in the West Australian Newspaper on Saturday 13 August 2011 and the Geraldton Guardian on Friday 12 August 2011.

At the time of writing this report the DLG had not finalised its comments on the proposed local law. As a consequence it would be prudent to withdraw the local law from the process of adoption until the comments are received.

POLICY IMPLICATIONS:

There are no policy implications relevant to this report.

FINANCIAL AND BUDGET IMPLICATIONS:

The costs of the consultant and the advertising and publication of the local laws in the Government Gazette have been allowed for in the amalgamation budget.

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

Key Result Area 4: Leading the Opportunities.

Outcome 4.1: Leadership in organisation and the community.

Strategy 4.1.3: Implement business and governance frameworks.

Regional Outcomes:

The provision of effective local laws further enhances Greater Geraldton as a Regional Centre.

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

There are no economic issues.

Social:

The provision of effective local laws assists with contributing toward the safety and security of the community.

Environmental:

Local Laws assist with the effective management and protection of City of Greater Geraldton environment.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

The Chief Executive Officer has the Delegated Authority to enforce local laws as per section 5.2 of the Local Government Act, outlined in the Instrument of Delegation signed on the 1 July 2011.

VOTING REQUIREMENTS:

Absolute majority is required.

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

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

1. NOT ADOPT the local laws as provided; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

CONCLUSION:

The creation of the City of Greater Geraldton requires new local laws to be drafted to cover the whole district. Until the new local laws have been gazetted the existing local laws remain in place. Option one is recommended as it has followed due process and will allow for Local Laws specific to Greater Geraldton.

EXECUTIVE RECOMMENDATION:

That the Council of Commissioners by Absolute Majority pursuant to section 3.12 of the Local Government Act 1995 RESOLVES to:

1. NOTE the community submission received in regard to the Animals, Environment and Nuisance Local Law 2011 and DECLINE to incorporate any changes to the Animals, Environment and Nuisance Local Law 2011;
 2. NOTE that no community submissions were received in regard to the following local laws:
 - a. Activities in Thoroughfares and Public Place and Trading Local Law 2011;
 - b. Bush Fire Brigades Local Law 2011;
 - c. Cemetery Local Law 2011;
 - d. Dogs Local Law 2011;
 - e. Fencing Local Law 2011;
 - f. Health Local Law 2011;
 - g. Pest Plants Local Law 2011; and
 - h. Meeting Procedures Local Law 2011.
 3. DEFER consideration of the following local laws:
 - a. Local Government Property Local Law 2011;
 - b. Parking and Parking Facilities Local Law 2011; and
 - c. Repeal Local Law 2011.
 4. DETERMINE that the proposed changes outlined in the report and included in the:
 - a. Activities in Thoroughfares and Public Place and Trading Local Law 2011;
-

- a. Bush Fire Brigades Local Law 2011;
 - b. Cemetery Local Law 2011;
 - c. Dogs Local Law 2011;
 - d. Fencing Local Law 2011;
 - e. Health Local Law 2011;
 - f. Pest Plants Local Law 2011; and
 - g. Meeting Procedures Local Law 2011,
- are not considered significantly different to that which was originally advertised;
5. DETERMINE to accept all changes proposed and adopt the following local laws:
- a. Activities in Thoroughfares and Public Place and Trading Local Law 2011;
 - b. Bush Fire Brigades Local Law 2011;
 - c. Cemetery Local Law 2011;
 - d. Dogs Local Law 2011;
 - e. Fencing Local Law 2011;
 - f. Health Local Law 2011;
 - g. Pest Plants Local Law 2011; and
 - h. Meeting Procedures Local Law 2011.

CC018	RESERVE 24508 UTAKARRA ROAD – LEASE TO THE MENSHEDED GERALDTON
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AGENDA REFERENCE:	D-11-16364
AUTHOR:	Y Lovedee, Coordinator Community Development
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	27 September 2011
FILE REFERENCE:	RC/4/0011
APPLICANT/ PROPONENT:	The Mensed Geraldton Inc
ATTACHMENTS:	Yes (x2) x3 Confidential

SUMMARY:

This report seeks Council approval for the leasing of 1.36 hectares being portion of Reserve 24508 Utakararra Road, Geraldton for the purposes of a providing a menshed on site.

PROPONENT:

The proponent is The Mensed Geraldton Inc., Mr Brian Edwards, Geraldton.

BACKGROUND:

Reserve 24508 Utakararra Road is located at the corner of Utakararra and Flores Road and is under the care and control of the City by way of a Management Order for the purposes of 'recreational purposes' The reserve also has approval to lease for a period of up to 21 years. The Utakararra Ball Park Ground Management Committee administers the larger portion of the reserve with approximately 1.36 hectares currently unused (attached is a map of the Reserve indicating the portion under discussion).

The Mensed Geraldton Inc showed interest in leasing the portion of Reserve 24508 for the purpose of establishing a permanent base. The aim of the Mensed is to link men in the community to services and support structures to enhance their health and well being. They provide services such as mentoring youth and assisting seniors in the community and currently have 25 members.

The request from Mensed Geraldton Inc was submitted to Council on 15 June 2010 (Item CE108) for consideration for a 21 year lease. Council moved to defer the item and advertise for expression of interest in the property from other community organisations.

COUNCIL DECISION

MOVED CR PETERSEN, SECONDED CR BYLUND

That Council by Simple Majority RESOLVES to DEFER this Item

and:

- 1. ADVERTISE for a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature to put in an Expression of Interest for the use of the land and this group be considered along with any other Expression of Interest; and*
- 2. ADVERTISE for 30 days.*

CARRIED 9/0

REASON FOR VARIATION TO THE EXECUTIVE

RECOMMENDATION: *That Council give charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature the opportunity to submit an Expression of Interest to lease a portion of Reserve 24508.*

Expressions of Interest were invited and The Menshed Geraldton Inc and the Geraldton Offroad Model Car Club Inc submitted applications resulting in the following Council decision on the 23 November 2010 (agenda item CC197):

COUNCIL DECISION

MOVED CR MARTIN, SECONDED CR GREENAWAY

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

1. *APPROVE the lease of 1.36 hectares of land being a portion of Reserve 24508 Lot 10064 Eastward Road, Utakarra to a Management Committee comprising members of the Geraldton Offroad Model Car Club Inc and The Menshed Geraldton Inc; and*
2. *SET the proposed conditions as:*
 - a. *enter into a twenty one (21) year lease agreement subject to Ministerial consent;*
 - b. *commencing lease fee of \$300.00 per organisation as per the adopted City of Geraldton-Greenough Schedule of Fees and Charges 2010/11;*
 - c. *adjust the lease fee in accordance with the City of Geraldton-Greenough Schedule of Fees and Charges reviewed annually;*
 - d. *any works being subject to, and compliant to, necessary town planning, building and other relevant statutory approval; and*
 - e. *the lessee being responsible for separately paying all applicable rates, taxes and other utilities.*

Subsequently the area was prepared by Council for leasing by The Menshed Geraldton Inc and the Geraldton Offroad Model Car Club Inc by dividing the site in half. With half of the Reserve each both organisations are finding it difficult, one due to the lack of area and the other due to the costs associated with entering into a lease and relocating.

The Menshed Geraldton Inc are in the process of preparing plans for their building which will include workshops, meeting rooms and toilet facilities. This building would suit current and the future needs of the organisation however it would need to be located centrally on current portion of land allocated to the Menshed. The driveway and car park would also be centrally located which would render the land difficult to use for expansion in the future such as for a community garden or if other community groups were to be located on the site.

The Geraldton Offroad Model Car Club Inc due to the current small membership base would find the relocation of their club too expensive to undertake at this point in time.

Consultation with members of both clubs has revealed that after the November Council decision neither club was approached to confirm that they wished to proceed with their Expression of Interest in Reserve 24508.

At this point in time The Menshed Geraldton seek to proceed with their interest to lease the whole of the portion of Reserve 24508 which is available. The Geraldton Offroad Model Car Club have written to Council stating that they wish to withdraw their interest in the Reserve.

To grant The Menshed Geraldton a 21 year lease with the option of sub letting to other community organisations would give a base for the Menshed to develop and provide much needed service to the community as well as develop a 'hub' with related community groups.

COMMUNITY CONSULTATION:

Executive members of both the Geraldton Offroad Model Car Club Inc and The Menshed Geraldton Inc have met on 6 July 2011 with a Council officer to discuss the dilemma of both organisations being granted leases on the Utakarra reserve as per the agenda item CC197 on 23 November 2010. The Geraldton Offroad Model Car Club indicated they no longer wished to move to the Utakarra reserve and had no objections to The Menshed Geraldton applying to Council to lease the whole of the land available. Subsequently the Geraldton Offroad Model Car Club wrote to Council advising they no longer wished to pursue leasing the land at Utakarra (see attached)

COUNCILLOR CONSULTATION:

This item is in response to Council resolution resulting from Agenda Item CC197.

STATUTORY IMPLICATIONS:

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

(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.

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 (amended)* does not apply. In this regulation a disposition of land is an exempt disposition if:

(c) *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:

Currently the portion of Reserve 24508 is not leased to any community organisation. A lease fee of \$305.00 per annum plus GST for sporting and community groups reviewed annually as per the adopted City of Greater Geraldton Schedule of Fees and Charges 2011/12 will apply.

STRATEGIC & REGIONAL OUTCOMES:

Strategic & Plan for the Future Outcomes:

Key Result Area 2: Opportunities for Creativity.

Outcome 2.1: A community that embraces and celebrates diversity.

Strategy 2.1.2: An engaged community which networks, supports and activates itself.

Regional Outcomes:

There are no regional outcomes.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts in the short term from either organisation.

Social:

The aim of the Menshed Geraldton is to link men in the community to services and support structures to enhance their health and well being.

Environmental:

There are no environmental issues.

Cultural & Heritage:

The Menshed Geraldton Inc have assisted Council with heritage related work for a small fee at the Pioneer Cemetery, Walkaway Railway Station Museum and the Pioneer Museum. The Menshed also the Shire of Chapman Valley with the relocation of the Clarrie Milne Collection to the Nanson Museum run by the Chapman Valley Historical Society.

RELEVANT PRECEDENTS:

The City leases land to community groups such as the recent lease of land in Larkin St to the Geraldton Aboriginal Mens Association for the purpose of the Indigenous mens shed and to organisations for the purpose of sporting facilities to assist with their growth and development.

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. DECLINE the lease 1.36 hectares of land being a portion of Reserve 24508 Lot 10064 Eastward Road, Utakarra to any community organisation until further expressions of interest are sought from the community.
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. DEFER the recommendation; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

CONCLUSION:

The Menshed Geraldton Inc offer support to the health and well being of men in the community by:

- providing a place for men to meet, have fun and do practical things;
- engaging men by dealing with preventative risk factors associated with their health and well being;
- inspiring men by means of mentoring and motivation programs;
- creating jobs and business new opportunities;
- assisting young and disadvantaged men to gain self confidence and prosper;
- giving men their lives back by building their capacity;
- providing diversionary activities for men who find themselves in a difficult state of affairs;
- encouraging men by passing on opportunities and craftsmanship;
- learning about culture, life skills and overcoming obstacles; and
- assisting men to be creative and innovative within their families and communities.

Currently the Menshed Geraldton meet in a building in the Central Business District however as the premises are for sale and the tenure is unknown. The organisation seeks to have land to build a permanent base for members to be secure and to grow the Menshed services and facilities to benefit the community as a whole.

Options 2 of the recommendations is not supported as with extensive advertising in 2010 only two community groups showed any interest in the portion of land available. Council have not formalised any recreation plans for the Utakarra area at this point in time therefore option three is not preferred.

As the Menshed Geraldton have displayed continuous interest in the portion of land available, the recommendation is that this organisation be awarded lease over Reserve 24508 Utakarra Road with the ability to sub let to related community organisations.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE the lease of 1.36 hectares of land being a portion of Reserve 24508 Lot 10064 Eastward Road, Utakarra to The Menshed Geraldton Inc for the purposes of providing a 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. the lease agreement to set out clearly the responsibilities of both The Menshed Geraldton and Council in respect to any ongoing maintenance on the property;
 - c. a commencing lease fee of \$305.00 per organisation as per the adopted City of Geraldton-Greenough Schedule of Fees and Charges 2011/12;
 - d. adjust the lease fee in accordance with the City of Geraldton-Greenough Schedule of Fees and Charges reviewed annually; and
 - e. the lessee being responsible for separately paying all applicable rates, taxes and other utilities.

CC019 2011/12 CHRISTMAS/NEW YEAR RETAIL TRADING HOURS
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AGENDA REFERENCE:	D-11-16365
AUTHOR:	D Barras, Coordinator Economic Development
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	27 September 2011
FILE REFERENCE:	ED/3/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x3)

SUMMARY:

Each year the Department of Commerce adopts a set of retail trading extensions over the Christmas/New Year period for the metropolitan area. These extensions are automatically made available to regional Local Government Authorities without the need for further action.

Should the City wish to vary the package, an application is required to be submitted to the Department of Commerce by 21 October 2011.

If there is no response from the City, the metropolitan Christmas / New Year trading hours, endorsed by the Department of Commerce, will default to the City of Greater Geraldton.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

On 17 September 2011, the Hon Simon O'Brien MLC, Minister for Commerce, announced the following package of retail trading extensions for the Perth metropolitan and regional areas of Western Australia for the 2011/12 Christmas/New Year period:

Sunday 11 Dec 2011	10.00am – 5.00pm
Sunday 18 Dec 2011	10.00am – 5.00pm
Monday 26 Dec 2011	10.00am – 5.00pm
Tuesday 27 Dec 2011	8.00am – 5.00pm

Trading was extended Sunday 1 January 2012 from 10.00am – 5.00pm, however this applies only to the Special Trading Precincts of Perth.

Monday 2 January 2012 will celebrate the New Year's Day public holiday, where normal public holiday retail trading conditions will apply.

The above variations are to compliment the 8.00am – 9.00pm Monday to Friday now in place across the Perth metropolitan area.

The approved variations are available to regional localities without the need for further action by the Local Government Authority. Local Government Authorities that would prefer alternative Christmas trading arrangements will

need to apply to the Department of Commerce by 21 October 2011 (refer to attachment 1).

COMMUNITY CONSULTATION:

On 26 September 2011, the City wrote to the Mid West Chamber of Commerce and Industry (MWCCI), informing them of the recommended package. The City invited the MWCCI to survey their Retail Sub Committee and provide comment on the attached package at their earliest convenience.

On 28 September 2011, MWCCI wrote to the City (refer to attachment 2), suggesting the following extensions be adopted:

Sunday 11 Dec 2011 10.00am – 5.00pm

Sunday 18 Dec 2011 10.00am – 5.00pm

And that all other hours remain as they currently are, with trading until 9pm on Thursday's only.

On 27 September 2011, Centro Stirling / Northgate wrote to the City (refer to attachment 3), suggesting the following extensions be adopted:

Sunday 4 Dec 2011 10.00am – 4.00pm

Sunday 11 Dec 2011 10.00am – 4.00pm

Sunday 18 Dec 2011 10.00am – 4.00pm

Wednesday 21 Dec 2011 8.00am – 9.00pm

Friday 23 Dec 2011 8.00am – 9.00pm

Tuesday 27 Dec 2011 8.00am – 5.00pm

COUNCILLOR CONSULTATION:

There has been no councillor consultation.

STATUTORY IMPLICATIONS:

Retail Trading Hours Act 1987.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic & Plan for the Future Outcomes:

Key Result Area: Opportunities for Prosperity.

Outcome 3.2: A diverse economic base.

Strategy 3.2.3: Supporting the role of the Geraldton City Centre as the primary governance business retail and commercial heart of the region.

Regional Outcomes:

Opening the additional hours will allow residents from towns in the surrounding region increase opportunity to spend within the City of Greater Geraldton retail sector and contribute to the City of Greater Geraldton economic pool.

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

Opening retail outlets for the additional hours during the Christmas / New Year period may have the following economic impacts:

1. There may be increased opportunity for income within the retail outlets that wish to open the additional hours; and
2. Opening the additional hours will allow residents from towns in the surrounding region increased opportunity to spend within the City of Greater Geraldton retail sector and contribute to the City of Greater Geraldton economic pool.

Retail outlets that believe opening the additional hours will not be economically viable are invited to exercise their individual discretion as to whether they choose to trade these additional hours.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Precedent was set in 2009, by adopting a package of Christmas/New Year trading hours that was a compromise between recommendations from the Department of Commerce, MWCCI and Centro. This was continued in 2010.

2009 adopted package:

Sunday 13 Dec 2009	10.00am – 5.00pm
Sunday 20 Dec 2009	10.00am – 5.00pm
Wednesday 23 Dec 2009	8.00am – 9.00pm
Thursday 24 Dec 2009	8.00am – 6.00pm
Sunday 27 Dec 2009	10.00am – 5.00pm*
Tuesday 29 Dec 2009	8.00am – 9.00pm*
Wednesday 30 Dec 2009	8.00am – 9.00pm*
Thursday 31 Dec 2009	8.00am – 6.00pm*
Sunday 3 Jan 2010	10.00am – 5.00pm*

* These dates were later adopted with the knowledge that the Clipper 09/10 yacht race would be stopped in Geraldton during this period.

2010 adopted package:

Sunday 12 Dec 2010	10.00am – 5.00pm
Sunday 19 Dec 2010	10.00am – 5.00pm
Monday 20 Dec 2010	8.00am – 9.00pm
Tuesday 21 Dec 2010	8.00am – 9.00pm
Wednesday 22 Dec 2010	8.00am – 9.00pm
Friday 24 Dec 2010	8.00am – 6.00pm
Tuesday 28 Dec 2010 (public holiday)	8.00am – 5.00pm

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 the Retail Trading Hours Act 1987 RESOLVES to:

1. ADOPT an alternate package of retail trading extensions to the Christmas/New Year trading hours, as follows:
 - a. _____
 - b. _____
 - c. _____;
2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. to be determined by Council.

Option 3:

That Council by Simple Majority pursuant to the Retail Trading Hours Act 1987 RESOLVES to:

1. ADOPT the 2011 Christmas retail trading package as recommended by the Minister for Commerce, as follows:
 - a. Sun 11 Dec 2011 10.00am – 5.00pm;
 - b. Sun 18 Dec 2011 10.00am – 5.00pm;
 - c. Mon 26 Dec 2011 10.00am – 5.00pm;
 - d. Tue 27 Dec 2011 8.00am – 5.00pm;
2. TAKE no further action; and
3. MAKES this determination based on the following:
 - a. to be determined by Council.

Option 4:

That Council by Simple Majority pursuant to the Retail Trading Hours Act 1987 RESOLVES to:

1. ADOPT the 2011 Christmas retail trading package as recommended by the Mid West Chamber for Commerce and Industry:
 - a. Sunday 11 Dec 2011 10.00am – 5.00pm
 - b. Sunday 18 Dec 2011 10.00am – 5.00pm
2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. to be determined by Council.

Option 5:

That Council by Simple Majority pursuant to the Retail Trading Hours Act 1987 RESOLVES to:

1. ADOPT the 2011 Christmas retail trading package as recommended by Centro Stirling/Northgate:
 - a. Sunday 4 Dec 2011 10.00am – 4.00pm
 - b. Sunday 11 Dec 2011 10.00am – 4.00pm
 - c. Sunday 18 Dec 2011 10.00am – 4.00pm
 - d. Wednesday 21 Dec 2011 8.00am – 9.00pm
 - e. Friday 23 Dec 2011 8.00am – 9.00pm
 - f. Tuesday 27 Dec 2011 8.00am – 5.00pm
2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. to be determined by Council.

CONCLUSION:

The package suggested by the MWCCI offers little option for traders to exercise their discretion regarding whether or not they wish to trade additional hours during the 2011 Christmas period, however the package of the Department of Commerce and Centro Stirling/Northgate offer too many additional hours, which may be of disadvantage to some smaller retailers.

For these reasons the executive recommendation is a combination of the package recommended by the Minister for Commerce, MWCCI and Centro Stirling/Northgate. The executive recommendation takes into consideration that all retailers are able to exercise their individual discretion regarding whether or not to trade during the approved hours.

Due to the required timeline for applications to the Minister for Commerce, deferral of this item will result in automatic approval of the Department of Commerce recommended package.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to the Retail Trading Hours Act 1987 RESOLVES to:

1. ADOPT the following package of extensions to the City of Greater Geraldton Christmas/New Year retail trading hour:
 - a. Sun 11 Dec 2011 10.00am – 4.00pm;
 - b. Sun 18 Dec 2011 10.00am – 4.00pm;
 - c. Fri 23 Dec 2011 8.00am – 9.00pm;
 - d. Tue 27 Dec 2011 8.00am – 5.00pm (Boxing Day public holiday); and
2. APPLY to the Minister for Commerce to reflect this adoption.

CC020 BUSINESS STRATEGIC BRANDING

AGENDA REFERENCE:	D-11-16905
AUTHOR:	D Barras, Coordinator Economic Development
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	5 October 2011
FILE REFERENCE:	ER/11/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

SUMMARY:

Business News WA has presented a proposal to market the City of Greater Geraldton to the business and investment community over a three year period (taking effect over 4 financial years). The proposal outlining the full benefits and associated costs is attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton is facing a time of rapid growth, influenced by an abundance of surrounding resource projects and the potential of the Oakajee Port and Rail project. Partnered with favourable lifestyle advantages, development opportunities and a thriving tourism industry, this presents a unique opportunity to attract large scale investment to the City and region.

WA Business News has developed a three year strategic advertising campaign to increase the profile of the City of Greater Geraldton as a thriving investment opportunity amongst the business community. This investment will assist Geraldton to develop in a desired direction of balanced development into the future.

COMMUNITY CONSULTATION:

This plan for investment within the City of Greater Geraldton supports community opinions expressed throughout the consultation of the 2029 and Beyond project. This includes:

- Opportunities for new residents to join and grow our community over a large fly in fly out workforce;
- A wider variety of educational opportunities;
- Equity and choice in affordable and alternative transport and housing options that will help to sustain our lifestyle;
- Aim for population growth that will support the services we want; and
- Expand the City as the preferred option over a predominantly fly in fly out workforce.

Promoting the vast array of investment opportunities within the City of Greater Geraldton and surrounding region will assist in achieving the above wishes from the community.

COUNCILLOR CONSULTATION:

There has been no consultation with Commissioners.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The total cost to Council over a 3 year period is \$97,312. The cost in the 2011/12 budget of \$16,500 will come out of the existing Marketing and branding budget merger fund for this year. The balance will be split in the following years as follows:

- 2012/13 - \$33,000 new appropriated funds;
- 2013/14 - \$33,000 new appropriated funds; and
- July to December 2014 - \$14,812 from new appropriated funds.

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

Key Result Area:	Opportunities for Creativity.
Outcome 2.2:	A city that attracts creative people through nurturing creative industries.
Strategy 2.2.2:	Partner with appropriate businesses to locate people and operations to the Geraldton region.
Outcome 2.4:	Recognised internationally as a leader in the integration of renewable energy.
Strategy 2.4.3:	Promote and partner with industry leaders to recognise the capacity of Geraldton and the Mid West as the natural choice for renewable energy research, development and implementation.
Key Result Area:	Opportunities for Prosperity.
Outcome 3.2:	A diverse economic base.
Strategy 3.2.1:	Promote the development and location of small business, commercial, State and Australian Government agencies.
Outcome 3.3:	Geraldton as a leading regional destination.
Strategy 3.3.2:	Establish Geraldton-Greenough as the preferred

	place of business and conferences in WA.
Strategy 3.3.4:	Facilitate the development of tourism capacity and product.
Outcome 3.4:	Geraldton as a major industry and technology centre.
Strategy 3.4.4:	Facilitate and support the development of primary industries.
Key Result Area:	Leading the Opportunities.
Outcome 4.1:	Leadership in organisation and the community.
Strategy 4.1.4:	Establish and enhance Geraldton's regional, national and international profile.

Regional Outcomes:

Marketing of the City of Greater Geraldton as a thriving investment opportunity will have significant flow on benefits for the surrounding region. Investment in Geraldton will raise the regional profile of the area and provide services and opportunities to the surrounding region.

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

Marketing the City of Greater Geraldton to business leaders around Western Australia will have positive economic benefits, with the aim of increased investment within the region.

Social:

Development of investment opportunities within the City of Greater Geraldton and surrounding region will have positive flow on social impacts. Attracting investment to the region will allow the City to develop in a preferred social direction, while keeping up with the surrounding resource developments, rather than being left behind with social needs being forgotten.

Environmental:

Promotion of the significant investment opportunities and renewable energy potential of the City of Greater Geraldton and surrounding region may result in new interest from companies wishing to further develop these technologies within the region. The positive environmental impacts of such developments would be of great positive influence on the City.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Absolute majority is required for the executive recommendation. Simple majority is required for option 2 and 3.

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 RESOLVES to:

1. DEFER the decision to enter into a marketing and branding program to the Business News WA proposal; and
2. MAKES the determination based on the following:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act RESOLVES to:

1. DECLINE to enter into the marketing and branding program with Business News WA; and
2. MAKES the determination based on the following:
 - a. To be determined by Council.

CONCLUSION:

Supporting the marketing plan developed by Business News WA is an important step in showing that the City of Greater Geraldton is serious about increasing investment and development within the City and surrounding region. It gives the opportunity to further impress upon businesses and investors the vast potential within the area.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the businesses and branding marketing campaign through WA Business News;
2. UNDERTAKE the program commencing January 2012 through to December 2014; and
3. DELEGATE Authority to CEO to formalise our agreement with WA Business News.

11.5 Reports of Community Infrastructure

CI004	GERALDTON TO MULLEWA TRANSPORT PETITION
AGENDA REFERENCE:	D-11-16225
AUTHOR:	M Atkinson, Manager Infrastructure Planning & Design
EXECUTIVE:	N Arbuthnot, Director Community Infrastructure
DATE OF REPORT:	28 September 2011
FILE REFERENCE:	GO/6/0003
APPLICANT / PROPONENT:	Mullewa Womens Indigenous Group
ATTACHMENTS:	Yes

SUMMARY:

The objective of this report is to respond to Council resolution SC229 of 28 June 2011. The resolution requests the CEO to investigate inadequate daily transportation services between Mullewa & Geraldton, as outlined in a petition submitted by Mullewa Womens' Indigenous Group.

PROPONENT:

The proponents are petitioners from the Mullewa Womens' Indigenous Group, based in Mullewa.

BACKGROUND:

An 18 signature petition was received by the City on 14 June 2011 entitled, "Geraldton to Mullewa Transport". The petition proposes that the City of Greater Geraldton increase access to and from Mullewa through a daily bus or train service.

Petitioners have indicated the increase in transportation services is needed as they experience isolation and desire more affordable and efficient access to services in Geraldton. Furthermore, the petitioners propose that an improvement to transport services has the potential to improve access to Geraldton's educational facilities and employment opportunities. Other resulting benefits may include greater tourism exposure (e.g. wildflowers), social inclusion and wellbeing improvement for the Mullewa community.

Mullewa has an approximate population of 900 and is located approximately 100kms northeast of Geraldton.

Public transport provision is not a local government function; however the City does take an active role in the advocacy of sustainable transport alternatives such as public transport. The state governments' Public Transport Authority (PTA) provides public transport services to the state of Western Australia, which includes coach and rail passenger services (Transwa) to regional areas.

Two Transwa bus routes currently operate to and from Mullewa and Geraldton four weekdays per week (Mon, Tues, Thurs and Fri) by TransWA. These services are the N3 (Perth to Geraldton via Northam and Mullewa) and the N4 (Geraldton to Meekatharra). Below is a summary of the services.

N3 Service

Monday (811)

Departs Mullewa 2.35pm

Arrives Geraldton 3.50pm

Tuesday (800)

Departs Geraldton 11.30am

Arrives Mullewa 12.40pm

Thursday (791)

Departs Mullewa 4.30pm

Arrives Geraldton 5.45pm

Friday (820)

Departs Geraldton 10.25am

Arrives Mullewa 11.35am

N4 Service

Monday (931)

Departs Geraldton 1.15pm

Arrives Mullewa 2.30pm

Tuesday (940)

Departs Mullewa 12.45pm

Arrives Geraldton 2.00pm

Thursday (933)

Departs Geraldton 3.00pm

Arrive Mullewa 4.15pm

Friday (942)

Departs Mullewa 2.40pm

Arrives Geraldton 3.55pm

Based on the above timetable, same-day bus return travel from Mullewa to Geraldton during business hours is not possible. There is poor connectivity between the two services and on most days the return bus to Mullewa has departed Geraldton before the bus inbound from Mullewa has arrived. This is largely due to both routes not being dedicated Geraldton-Mullewa services.

The existing PTA railway line between Geraldton and Mullewa has been in place since 1894, however passenger services ceased operation decades ago, due to the advent of road transport. The line is currently leased privately to Brookfield Rail on a 99 year lease and is exclusively used by the mining and agricultural industry.

The PTA have advised that some regional towns have no public transport services. They have concluded that as Mullewa has a small declining population and there is some degree of public transport provision in place, it would be difficult to develop a compelling business case for further development of passenger transport services.

Rail services have high operational costs and require high density development and key attractors on the route to be financially viable. PTA have however cited Bunburys' "Australind" service as an example of a passenger and freight service co-existing. Whilst a Mullewa-Geraldton passenger rail service is not impossible, it is extremely unlikely in the foreseeable future. PTAs' position on the feasibility of passenger rail also appears to be consistent with that taken by other state rail authorities.

COMMUNITY CONSULTATION:

The Mullewa Womens Indigenous Group has been consulted in person during the investigation of this matter.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

Only the Public Transport Authority has the statutory powers to enact provision of public transport services under the Public Transport Authority Act (2003). Under current legislation, the City can only provide public transport advocacy.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The City will continue to financially assist sustainable transport alternatives across the broad scope of City services (e.g. Travelsmart program, within existing budgetary constraints.

The PTA have advised they would need to pay to access the Geraldton-Mullewa rail line as it is currently leased to Brookfield Rail.

There is funding and resources available in the City's "Go Gero" Federal Healthy Communities Grant to lobby the state to further investigate daily public transport provision between Geraldton and Mullewa.

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 1.1.3: | Facilitate increased levels of cycling, walking and public transport. |

Regional Outcomes:

Improved transport services between Mullewa and Geraldton would likely produce many benefits to both centres including accessibility to education and employment, social inclusion and economic activity. The negative impact of improved transport services would largely be of financial nature, borne by the state government, particularly with the rail alternative. There may also be logistics issues for the state should existing bus routes be reconfigured.

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

Improved transport services between Geraldton and Mullewa may stimulate consumer activity in both centres. There may also be a tourism opportunity, particularly during wildflower season. Daily transport services would also make residing in Mullewa more attractive to those working in Geraldton.

Social:

Residents of Mullewa have indicated that isolation is an issue and improved transport services would likely address this.

Environmental:

Core road & rail infrastructure is essentially in place and operating, therefore environmental impacts of a proposed increase in public transport services is considered minimal. A reduction in passenger vehicle movements between the centres could result from a daily transport service.

Cultural & Heritage:

Improved transport services may offset Mullewas' physical isolation and benefit the indigenous community through social inclusion.

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. DIRECT the CEO to provide written response the Mullewa Indigenous Womens Group advising them to direct their concerns regarding public transport provision to the Public Transport Authority;
2. MAKES the determination based on the following reasons:
 - a. Public Transport provision is a function of the state; and
 - b. Public Transport advocacy is a function of local government.

CONCLUSION:

Whilst there is existing public transport provision between Geraldton and Mullewa provided by the state, it is not a convenient alternative for those intending to conduct daily activity at either centre.

The PTA administers public transport provision and have advised there are currently no intentions to improve bus services (by Transwa) nor explore reinstatement of passenger rail between Geraldton and Mullewa. This is largely based on population projections in Mullewa and the consequent cost of establishing and operating the service.

The Executive Recommendation to continue strong advocacy towards sustainable transport alternatives, in particular daily transport services between Geraldton and Mullewa. This could be a key deliverable in the Go Gero! Project and was proposed in the projects' submission to Federal Department of Health and Ageing. A dedicated daily bus service, for example, could be advocated to the state through this means.

EXECUTIVE RECOMMENDATION:

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

1. APPROACH the Public Transport Authority, as a component of the Go Gero! Project, to formally investigate and respond to requests from the Mullewa Community to provide daily public transport services between Geraldton and Mullewa, including potential for a dedicated daily bus service;
2. MAKES the determination based on the following reasons:
 - a. Public Transport provision is a function of the state; and
 - b. Public Transport advocacy is a function of local government.

11.6 Reports of Commercial Enterprises

CE017	ACQUISITION OF LOT 9, VERITA ROAD, RUDDS GULLY, GERALDTON
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AGENDA REFERENCE:	D-11-15681
AUTHOR:	B Robertson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director of Commercial Enterprises
DATE OF REPORT:	26 September 2011
FILE REFERENCE:	A63014
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes x2

SUMMARY:

This report seeks Council approval to proceed with the acquisition of Lot 9 Verita Road, Rudds Gully, Geraldton for the purposes of development and construction of the Southern Districts Sporting facility, creation of required roads, and eventual subdivision of the balance of the land.

PROPONENT:

The proponent is City of Greater Geraldton.

BACKGROUND:

At its meeting on the 13 July 2011 Council resolved pursuant to Section 3.59 of the Local Government Act 1995 (as amended) to:

1. *GIVE State-wide public notice of the intent to enter into a major land transaction to purchase Lot 9 Verita Road, Rudds Gully, Geraldton;*
2. *APPROVE the proposed purchase price of \$4,500,000 plus GST;*
3. *DELEGATE authority to the CEO to authorise purchase subject to there being no objecting submissions received; and*
4. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

The City made a conditional offer to purchase the land for the amount of \$4,500,000 plus GST. The conditions of the offer were subject to the requirements of Section 3.59 of the Local Government Act 1995, with the associated statutory process undertaken consistent with the resolution of Council.

The proposal was advertised, objecting submissions were received, so the matter is referred back to Council for determination.

Relationship with Olive Street Development

The initial requirement to acquire land in the southern districts of the City for a sporting precinct derived from analysis of future sport and recreation needs,

and assessment that the only City held land available, in Olive Street, was inappropriate for sporting fields development envisaged under the arrangements via which the City acquired that land, and it was not in the location most appropriate to the housing and population growth areas of the southern suburbs.

Land was required further to the south east. Council then resolved to develop the Olive Street land, to create a housing subdivision and wetlands, and sell the developed residential land to generate funds to enable the development of a sporting precinct in the Verita Road area of Rudds Gully.

At its meeting on the 13 April 2010 Council resolved the following:

COUNCIL DECISION

MOVED CR GABELISH, SECONDED CR MARTIN

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

1. *ADOPT the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats; and*
2. *COMMITTS to directly link and undertake the rehabilitation and development of the Olive Street development and the proposed East Verita District Sports Precinct.*
3. *NOTE that any rezoning (scheme amendment) proposal will require to come before Council and be subject to further public consultation and ultimate consideration and approval by the Minister for Planning.*
4. *DELEGATE authority to the Chief Executive Officer to;*
 - a. *commence planning, rezoning and necessary subdivision applications and*
 - b. *progress freehold sales following site development rezoning and subdivision approvals subject to the concurrent development of East Verita District Sports Precincts.*
5. *SUBJECT to the project progressing commits to naming the:*
 - a. *Olive Street public open space wetland in honour of fallen soldiers in accordance with the Deed of Grant by Leonard T Green;*
 - b. *East Verita sports precinct as the Leonard T Green District Sports Reserve;*
 - c. *Erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed; and*
6. *REQUIRE a review of the proposed road access to the development from McAleer Drive and Willcock Drive to ensure appropriate open space and vistas through to the central wetland.*

The developments are explicitly linked, and the clear intention of Council is that the East Verita District Sports Precinct should be developed concurrently with the proposed Olive Street subdivision and land sales process. Acquisition of land for the sporting precinct is a prerequisite for that to occur.

City personnel assessed potential sites suitable for location of sports precincts. Key reasons for selection of this site for the purposes of establishing the southern districts sports precinct included:

- Consistency with Structure planning for the City;

- Proximity to the existing and projected residential growth areas provided for in City Planning Schemes, south of the Southern Transport Corridor and east of the North West Coastal Highway;
- Future ease of accessibility, in the context of existing and planned roads;
- Site suitability, in terms of land levels and contours, to optimise earthworks and maximise utility of the open space areas for sport and recreation; and
- Availability of land to acquire, noting all of the land in the area is privately owned.

The Land in Question

Lot 9 Verita Road, Rudds Gully is located on Diagram 30205 as contained in Certificate of Title Volume: 2076; Folio 506. The Land is owned by 119 Nicholson Road Pty Ltd and has a total size area 176.3414ha. The Site is located approximately 6km south of the Geraldton CBD, fronting the unmade Scott Road in the east and the future Verita Road reserve in the west adjoining the Seacrest Estate in Wandina. It lies approximately 1.5km due east from the coast and comprises gently sloping cleared pasture land.

The subject site has in excess of a 2km frontage to the unmade Scott Road reserve running down the eastern boundary and 1.5km of the proposed Verita Road reserve sits within the property. Verita Road is currently an unsealed track. Once extended and constructed, Verita Road will link Brand Highway in the south, create access links to various east west roads (including the Columbus Boulevard east west connection within the Seacrest Estate/ Narngulu and link with Highbury Street in the north.

Lot 9 Verita Road, Rudds Gully is shown highlighted in the following aerial photograph (Figure 1).



Figure 1: Lot 9 Verita Road, Rudds Gully

Successful acquisition of this land would enable the City to fulfil its obligation to acquire land for the southern districts Sports precinct, and establish 1.5km's of the necessary road reserve for Verita Road which has been identified in Structure Plans since 1976, and was initially reserved via former Shire of Greenough Town Planning Scheme No.4 (gazetted in 1984).

At the same time it presents a unique opportunity to develop the remainder of the land for subdivision and eventual land sales, to generate funding for essential infrastructure and community facilities.

The following photograph (figure 2) shows the broad intent and preferred location of the Southern Districts Sports Facility, the gazetted route of Verita Road and the potential route of Columbus Boulevard.

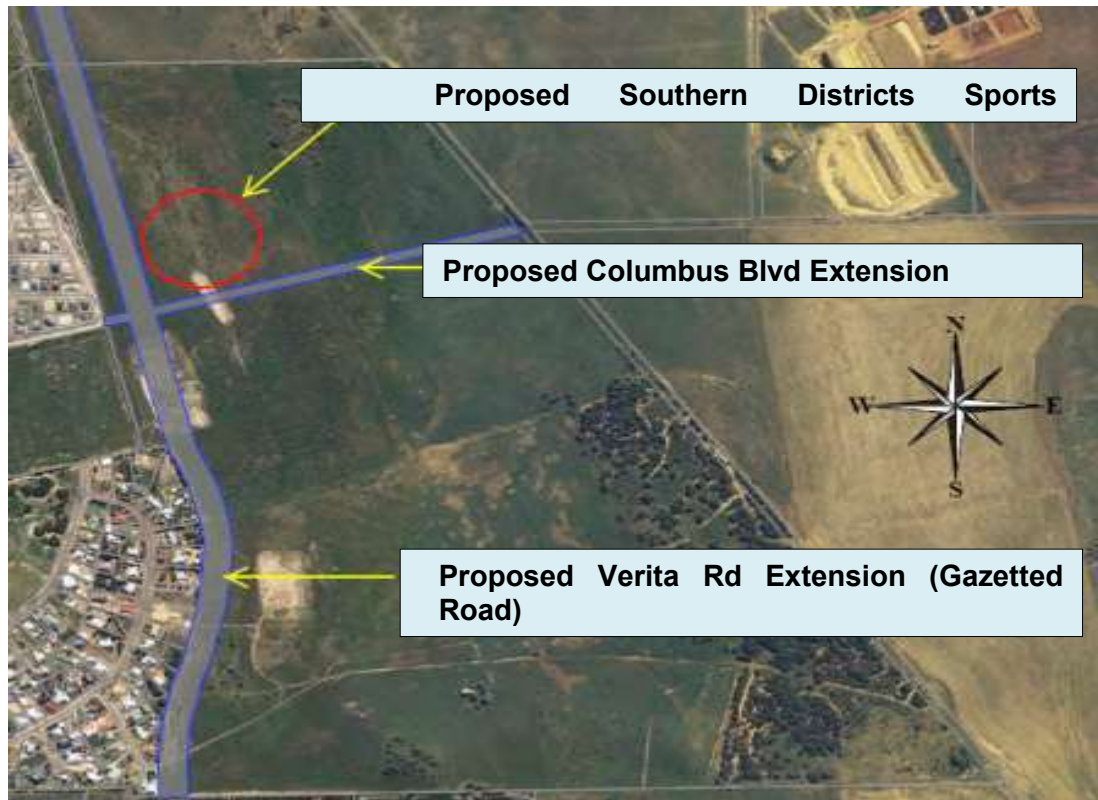


Figure 2: Lot 9 Verita Road – Sports Precinct & Future Roads

The preliminary Business Plan for this land acquisition proposal reflected assessments in the Rudds Gully District Structure Plan which identified the portion of Lot 9 in the South west as a future residential area, with potential lot yield for residential purposes in the order of 270 lots.

Current Structure Plans aim to maximise economic and social opportunities arising from expected growth in the region and the demand for a range of industrial land uses.

The current plan identifies a number of industrial estate buffers – more correctly described as compatible use zones – to guide the arrangement of land uses throughout the industrial estate. Of these, the industrial buffer of precinct A incorporates the larger north eastern portion of Lot 9 and identifies preferred sites for light industry, commercial and mixed business development, refer (figure 3).

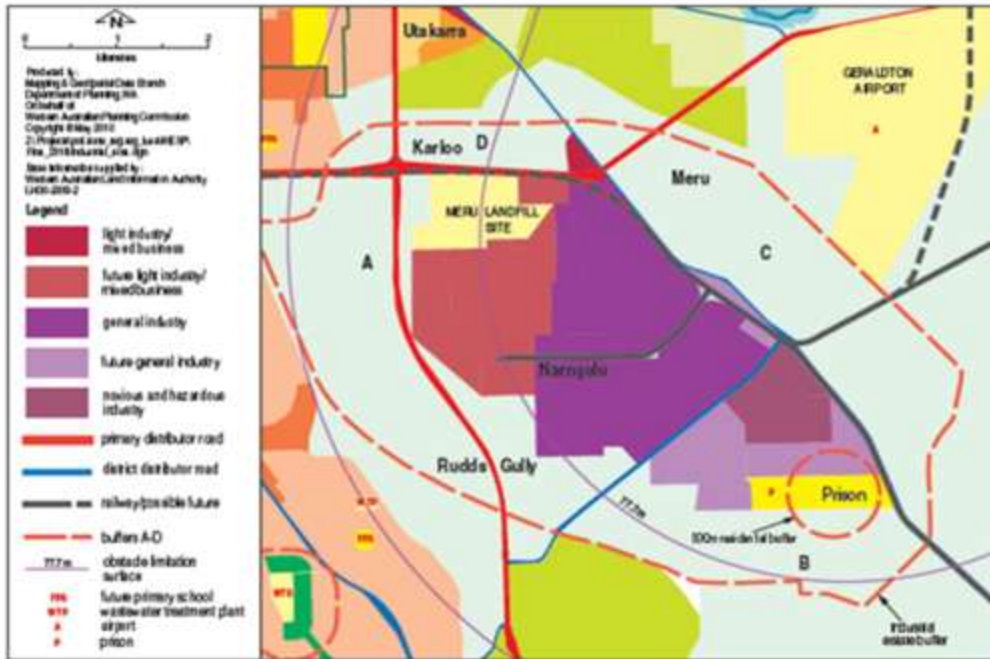


Figure 3: Narngulu Industrial Estate Compatible Uses Zone

Figure 4 shows the compatible land use buffer from the Narngulu Industrial Estate strategic Land Use Directions Plan that indicates the buffer over portion of Lot 9.



Figure 4: Narngulu Estate Compatible Uses Zone & Lot 9 Verita Rd

As part of due diligence, in addition to the majority of land of the Lot suitable for compatible developments inside the Narngulu zone consistent with the Narngulu Industrial Estate Strategic Land Use Directions Plan, assessment suggests that the potential residential lot yield in the south west section outside the zone would be in the order of 60-70 conventional lots. Importantly, with proximity to the proposed recreation fields and open space, the land is ideally placed for enhanced density, with potential for development of 100-

plus dwelling units, with various development configuration options. Any such residential developments would be outside of the current industrial buffer.

Within the future Narngulu industrial estate zone (to the west of the current Narngulu Industrial area), it is envisaged that there would be a graduation of uses from the general industrial core that will see the zones transition from general, through to light, service and highway commercial type activities. This transitioning ensures that the current general industrial area is well buffered from the residential areas via a range of compatible uses.

In strategic terms, the City is already aware of high demand for and limited supply of 'highway commercial' land, and land for establishment of particular types of light industry such as businesses associated with clean technology companies. Development of Verita Rd will activate important land for those purposes, deemed essential for continuing economic growth. Verita Road will also balance the current Seacrest estate road network as originally designed (at the moment all vehicles have to ultimately gain access back to the Brand Highway or transition through minor residential streets through Mount Tarcoola).

Significantly, subsequent to development of the preliminary business plan for the proposed land acquisition, related opportunities have emerged associated with the Federal Government's *Building Better Regional Cities* program. Funding for housing under that program is confined to Local Governments. WA Councils are currently unable to enter Joint Venture (JV) arrangements with builders to deliver housing per se, whereas the Department of Housing is able to enter into such JV arrangements. But within that legal framework, JV arrangements between a Council and State Housing are possible to address the goals of the Federal program. State Housing has a significant land holding, in Karloo to the north of the industrial estate zone, development of which would benefit greatly from development by the City of Lot 9 Verita Road, providing necessary district playing fields, recreation areas and open space as well as the essential land for the access roads that would activate the Karloo landholding as a residential area, also providing access to the future district activity centre on the south side.

A possible JV with State Housing to develop residential land, roads, public open space, associated with their Karloo holdings, and Lot 9 would enable access by the City to Federal and State resources to the benefit of the City – and in particular for the purposes of accessing funds for roads and utilities including energy, water and sewerage services. It is proposed that the City will submit a major bid for Federal funding under the *Building Better Regional Cities* program, and completion of acquisition of Lot 9 Verita Road is pivotal to making that funding bid.

COMMUNITY CONSULTATION:

In accordance with Section 3.59(2) and section 3.59(3) of the Local Government Act 1995, State-wide public notice was given stating that:

- i. The local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to the major land transaction;
- ii. A copy of the business plan may be inspected or obtained at any place specified in the notice;
- iii. Submissions about the proposed undertaking or transaction 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.

A copy of the business plan was made available for public inspection in accordance with the notice.

After the last day of submissions, the local government is to consider any submissions made and may decide by Absolute Majority, to proceed with the transaction as proposed or so that it is not significantly different from what was proposed.

At the closure of the advertising period on the 31 August 2011 there were a total of 60 objecting submissions received (see attachments). Of these 60 submissions, 57 are a generic letter signed by residents.

The main issues raised are as follows:

- Concern over the intention to cater for light industry on the lot;
- The lack of consultation to remedy concern;
- Concern over Verita Road being a four lane highway;
- Request a public forum to be held;
- The project will devalue properties in the vicinity;
- Lack of information provided to the public regarding the proximity of Verita Road to the present residential area;
- The lack of information to the residents of the area is contrary to previous procedures for land development;
- The “conflict of interest” to the purchase;
- The lack of transparency; and
- The current proposed plan and design for Verita Road for profit, as it will impose on our standard of living and is contrary to your (the City’s) mission statement.

It should be noted that the strong focus of submissions received is concern over the proposed construction of the gazetted Verita Road and its close proximity to existing housing – rather than relating to the land acquisition proposal per se.

It is important to note that matters related to the construction of Verita Road as a road have no bearing on a decision by Council related to the land acquisition question.

The future Verita Road was first identified in the Geraldton Region Planning Study of 1976 and has remained planned in subsequent planning studies through to the current Greater Geraldton Structure Plan. Verita Road was formally gazetted in Town Planning Scheme No.4 in 1984, defining the then alignment as an "important regional road". The subsequent Town Planning Scheme No.5 depicts Verita Rd with status of "road" rather than designating it as an important regional road to reflect that the heavy vehicle route is now accommodated in both the North South Highway design and the Oakajee-Narngulu Infrastructure Corridor (ONIC). The ONIC is the ultimate heavy vehicle bypass well away from residential areas. Given this Verita Road is intended to be a connecting road to service the needs of land uses that abut its length and it will not be designed or built as a highway bypass or similar road.

A late submission was received from Iluka Resources Limited expressing their concerns at potential City development within the Narngulu industrial area buffer. However, the intentions of the City in relation to Lot 9 Verita Rd are consistent with existing City region and district Structure Plans and Planning Schemes in relation to land uses permitted within and adjacent to the compatible uses zone for the Narngulu industrial estate. Relevant to this is the clear intent of State planners, supported by the City, for future heavy industrial development to be focussed on the proposed new Oakajee industrial estate, rather than Narngulu.

Importantly, the use of the land west of Iluka's Narngulu facilities form part of the W.A. Planning Commissions adopted Narngulu Industrial Area Strategic Land Use Directions strategy (May 2010) and was intended to guide structure plans and outline development plans, amendments, subdivision and future development in and around the Narngulu industrial area.

This land use emphasis was reconfirmed by the W.A. Planning Commission in the release of the Greater Geraldton Structure Plan 2011

City officers have already met with Iluka Resources and will continue to have dialogue to ensure that the concept of compatible use areas, community awareness and the relevant local planning policies/ rezoning's/ structure plans reflect the respective industrial and residential area objectives.

It is important to note, irrespective of whether the City acquires lot 9 the existing legal and long standing planning in place would mean a private landowner has full rights to develop a mix of residential and non-residential uses on this land. Further any private land owner developer of Lot 9 would be legally obligated to provide the land for Verita Road.

In addition to inviting public submissions, the City conducted a community information evening on the 4 October 2011 that was extensively advertised that covered a number of topics for people living in the Seacrest and Wandina areas, namely:

- Verita Road;
- Southern Districts Sporting Complex;

- Purchase of Lot 9;
- Namgulu Planning; and
- Derna Park

A total of eleven (11) Feedback Surveys were completed and returned and is included as attachment three (3).

The City also released publicity in regards to frequently asked questions (FAQ's) in regards to the proposed acquisition and associated topics.

COUNCILLOR CONSULTATION:

This report follows the process required per Council's resolution of 13 July 2011, with no Councillor consultation during the process.

STATUTORY IMPLICATIONS:

In accordance with Section 3.59(3) of the Local Government Act 1995, before it enters into a major land transaction, or enters into a land transaction that is preparatory to entry into a major land transaction, after the last day of submissions a local government is to consider any submissions made and may decide by Absolute Majority, to proceed with the transaction as proposed or so that it is not significantly different from what was proposed.

The matter before Council deals only with the proposal to purchase Lot 9, it has no implication on either the land use planning for that lot or the future development of the proposed Verita Road.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

A provision has been made in the 2011/12 budget to secure a loan for \$4.5m (10yr-term) to finance this land acquisition. This investment is based on realising a minimum internal rate of return of 15%.

The development of infrastructure for the new proposed Southern Suburb Sporting Facilities is identified separately in Forward Capital estimates and is to be funded from the net proceeds derived from the Olive St Development.

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 1.2.2	Develop a functional network of roads, paths and drainage.
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.
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.
Key Result Area 3:	Opportunities for Prosperity
Outcome 3.1	Geraldton as the major logistics hub of WA
Strategy 3.1.2	Facilitate the connectivity between Oakajee, Narngulu and Geraldton.
Outcome 3.4	Geraldton as a major industry and technology centre.
Strategy 3.4.1	Develop Oakajee and Narngulu industry precincts.
Strategy 3.4.4	Facilitate and support the development of primary industries.

Regional Outcomes:

The successful acquisition of this land would enable the City to:
Fulfil its obligation to acquire land for the Southern Districts Sports Facility, establish the necessary road reserve for a Gazetted road, and present a unique opportunity to develop the remainder of the land for subdivision and eventual land sales, to generate funding for essential infrastructure and community facilities, while providing developed land to meet growing demands for land for new housing and commercial needs in the City.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The acquisition of the land will enable the City to deliver several essential non-commercial projects, including development of necessary and planned sporting facilities for the south side of the city, and establishment of an essential road reserve. The balance of the land would be sub-divided for sale for residential/commercial and light industry development. As a result, the net proceeds from such land sales will then be utilised for other critically required City infrastructure and community projects which at present remain unfunded.

Social:

The development of sport and recreation areas and facilities for the southern districts of the City is essential for health and wellbeing of the Community. It is recognised that the growth of the southern suburbs of Geraldton will place a significant demand on recreation and organised sports with a specific focus on junior sports. The proposed southern district sports field will provide between 12 and 16ha of high quality district level sports fields for community use.

Environmental:

The site has been utilised for pastoral and grazing purposes and is largely devoid of any native vegetation. The south east corner is scattered with parkland cleared stands of trees and is unlikely to have any remnant environmental value given the lack of a vegetation understory. The site contains no wetlands or other areas containing known significant environment values.

Cultural & Heritage:

There is no cultural, heritage or indigenous impacts.

RELEVANT PRECEDENTS:

The City has current precedents of acquiring land for municipal purposes, however it is not known if there are current precedents of acquiring additional land at the same time for the purposes of a major land subdivision.

DELEGATED AUTHORITY:

The Chief Executive Officer has delegated authority only on this proposal to authorise the purchase subject to there being no objecting submissions received; therefore Council approval is required due to objecting submissions being received.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority pursuant to Section 3.59 of the Local Government Act 1995 (as amended) RESOLVES to:

1. DECLINE the purchase Lot 9 Verita Road, Rudds Gully, Geraldton comprising 176.3414 hectares for the purposes of subdivision and creation of local roads and connector roads including recreational public open space; and

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

No deferment option is available to Council. The property vendor accepted a conditional offer that was subject to due diligence, including the obligation of the City to undertake the statutory process required under Section 3.59 of the Local Government Act. The vendor originally agreed to a due diligence period that expired in September, but the vendor agreed to extend the period to end October, to allow the matter to be considered at Council's scheduled October 2011 meeting.

The matter could have been brought to Council at its September meeting but, because the September Council meeting was held in Mullewa, in the best interests of Geraldton community participation, it was considered appropriate to re-schedule the agenda item to the October meeting. The vendor generously agreed to the due diligence period extension on that basis. It would be unreasonable to seek further extension.

CONCLUSION:

The successful acquisition of this land and the proposed rezoning and sub-division development across four stages is anticipated to deliver a significant positive cash flow, generating funds for investment by the City in essential infrastructure and community facilities.

However, a land sub-division project was not the primary driver for this proposed land acquisition. In addition to the generation of funds, this project will deliver the land necessary for sporting facilities on the south side of the City, already seen as increasingly necessary to meet the needs of the existing population, and deemed essential to meet the forecast population growth of the City. From the urban planning viewpoint, with existing and anticipated residential and commercial development on the south side, this land is ideally situated for creation of a southern sports facilities precinct.

As well, the proposed acquisition will provide the necessary land for future development of Verita Road. Land for the required road reserve (envisaged in published Structure Plans since 1976 and gazetted in the various Town Planning Schemes since 1984) would otherwise have to be acquired separately.

The City intends development of this land, consistent with the strategic directions given under the State's Narngulu Industrial Area Strategic Land Use Directions Strategy (May 2010) and Greater Geraldton Structure Plan 2011. This development includes the required sporting fields area, and with residential development on land outside the Narngulu zone.

While viability of this proposed land acquisition project is *not* dependent on the City gaining access to Federal *Building Better Regional Cities* funding, the Council should note that this proposed land acquisition is of joint strategic interest to the City and State Housing, with the view to Joint Venture development of the Lot, and associated roads and utilities infrastructure in

conjunction with staged development by State Housing of their Karloo land holdings. Should Council resolve to acquire Lot 9 Verita Road, the City will base submissions to the Commonwealth for *Building Better Regional Cities* funding on Joint Venture development with State Housing.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority, pursuant to Section 3.59 (5) of the Local Government Act 1995 (as amended) RESOLVES to:

1. NOTE the submissions received on the proposal;
2. APPROVE the purchase of Lot 9 Verita Road, Rudds Gully, Geraldton for the amount of \$4,500,000 plus GST; and
3. DELEGATE authority to the Chief Executive Officer to complete the purchase of the Lot 9 Verita Road.

CE018	GERALDTON AIRPORT TECHNOLOGY PARK – ADOPTION OF AMENDED LEASE GUIDE PLAN
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AGENDA REFERENCE:	D-11-15705
AUTHOR:	B Robartson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	September 2011
FILE REFERENCE:	TT/3/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

This report recommends the endorsement of an amended lease guide plan for the Geraldton Airport Technology Park.

PROponent:

The proponent is City of Greater Geraldton.

BACKGROUND:

Council at its meeting of the 13 April 2010 resolved the following:

MOVED CR ASHPLANT, SECONDED CR HALL

That Council by Simple Majority pursuant to Part 2 of Local Planning Scheme No. 5 (Greenough) RESOLVES to:

- 1. ADOPT the “Geraldton Airport Technology Park Design Guidelines” as a draft Local Planning Policy and advertise it for a period of 21 days;*
- 2. ADOPT for final approval the Local Planning Policy should no objections be received during the advertising period;*
- 3. REQUIRE staff to present to Council a further report should there be any objections received during the advertising period; and*
- 4. ENDORSE the Lease Guide Plan as a guide for the layout of lease lots. CARRIED 8/0*

The matters covered by items 1, 2 and 3 inclusive of the resolution were progressed to conclusion.

This report deals only with item 4, the Lease Guide Plan which, in essence, was a concept-level layout plan for roads and lots within the Technology Park.

Subsequent to endorsement of the initial Lease Guide Plan in April 2010, the City’s Airport Technology Park Working Group, with professional consultant assistance, has progressed beyond concept layout stage, and considered additional development issues including northern and southern entrances to the technology park area, traffic access and flows, the routing of utility services, and optimisation of access to lease lots. As well, the working group has examined options for final location and access to and around the proposed new City work depot, and the separately commissioned design of

new short-term and long-term car parks for the Airport, funding for which is included in the 2011-12 budget.

Consistent with general practise when progressing forward from initial concept plans for a sub-division (which in this case is only a leasehold sub-division, not a land title sub-division), the detailed engineering and urban design process has significantly improved the design layout.

The attached design layout, now supported by extensive engineering design documentation for roads, drainage and utilities for the technology park, is now considered the most appropriate design for moving forward to commissioning civil development of the Technology Park. Specifications will be prepared, and tenders released, for development of the Technology Park in appropriate stages, within budget allocations across the current and subsequent two financial years. High demand for lease lots within the Park could result in reports to Council to accelerate the rate of development if financially viable to do so.

It is therefore submitted to Council as an amended lease guide plan for endorsement. The guide plan in effect now becomes the final project concept plan, and its primary purpose is to guide the detailed engineering works associated with roads, drainage and utilities. The guide plan is not intended to be explicit as to exactly where a boundary for a particular lot lease might be set in future. Leases will be for portions of the parent freehold lot owned by the City, and will be surveyed for lease preparation purposes as and when required, each lease coming to Council under the provisions noted below – Statutory Implications. Any development on a leased lot will require compliance with the *Geraldton Airport Technology Park Design Guidelines* previously adopted by Council.

This report also seeks delegation of authority by Council to the Chief Executive Officer to vary the guide plan layout, in the event that any significant civil engineering issues arise during development, or where – for example – a prospective lessee seeks to vary lot configuration in a manner that will generate a better revenue stream, or deliver broader economic benefits for the City, noting as above that each lease transaction will be put to Council in accordance with the statutory processes.

COMMUNITY CONSULTATION:

Not applicable.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

There are no statutory implications associated with Council endorsement of the proposed new lease guide plan. That is largely an internal matter.

For the information of Council, the following statutory matters relate to subsequent future leasing of lots within the proposed Technology Park, when developed.

**Section 3.58 of the Local Government Act 1995 (as amended) –
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.*
- (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.*

Section 136 Planning and Development Act 2005 –

Approval required for some dealings as to land not dealt with as a lot or lots:

- (1) *Subject to sections 139 and 140 a person is not to—*
(a) *lease or grant a licence to use or occupy land for any term exceeding 20 years, including any option to extend or renew the term or period; or*
(b) *lease and grant a licence to use or occupy land for terms in the aggregate exceeding 20 years, including any option to renew or extend the terms or periods; or*
(c) *sell or agree to sell land; or*

(d) grant any option of purchase of land, without the approval of the Commission unless the land is dealt with by way of such lease, licence, agreement or option of purchase as a lot or lots.

(2) A person who contravenes subsection (1) commits an offence.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications in endorsing the amended lease guide plan.

With regard to the future leasing of sites within the Airport Technology Park, at ultimate development and tenancy, it is estimated that the ground rental lease fees would return in excess of \$4 million per annum exclusive of GST.

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:

The proposed new Geraldton Airport Master Plan provides a planning framework for future development of the Airport precinct to enable long-term operational objectives to be met. The plan identifies an area of 24 hectares for commercial development in the form of a technology/business park. It proposes that high quality development should be encouraged and identifies a site for an airport hotel/motel. These needs are accommodated in the new lease guide plan.

The City (and its predecessor Councils) has invested substantially in the Airport since it was acquired from the Commonwealth, investing in additional land to future-proof the Airport as an essential regional transport asset. The Airport precinct comprised some 289HA on acquisition from the Commonwealth. Council land purchases have grown the Airport precinct to over 530HA. The additional land protects the Regional airport, but also enables the City to leverage the non-aviation portion to generate revenue. In a capital-constrained world, this enables the Council to better service the funding needs of both airport growth, and broader City growth, in the regional interest.

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

The associated Technology Park design guidelines identify the following specific economic objectives:

- To foster and sustain a high level of innovation, economic activity and create significant local, permanent employment opportunities.
- To provide a suitable location for a wide range of different commercial activities that compliment and do not compromise the functionality of the Geraldton Airport.
- To support the growth of new and existing aviation activities.
- To create an appropriate commercial return for the landowners that will, in turn, assist in sustaining aviation and other commercial uses at the Technology Park.

Social:

The associated Technology Park design guidelines identify the following specific social objectives:

- To encourage a healthy and active working environment that promotes physical and mental wellbeing.
- To create place that promote the development of social capital where occupants of the development can interact with each other.
- To minimize potential amenity impacts from surrounding industrial, transport and aviation activities on future occupants.
- To reduce barriers to disabled or disadvantaged groups using the facilities.

Environmental:

The associated Technology Park design guidelines identify the following specific environmental objectives:

- To move towards self-sufficiency in energy and water through no-site harvesting, reduced consumption and water reuse whenever feasible.
- To reduce waste going to landfill from construction and operations through intelligent selection of products, consuming less and recycling more.
- To reduce the energy requirement and pollutants related to construction by selecting appropriate construction materials.
- To reduce private car use and encourage movement by public transport and pedestrian and bicycle movement.
- To incorporate endemic local species vegetation in the landscape theme.

Cultural & Heritage:

There are no cultural & heritage issues.

RELEVANT PRECEDENTS:

Council adopted the original Lease Guide Plan on 13 April 2010.

This report recommends endorsement of the updated Lease Guide Plan, noting that it is a guide to development, not a detailed engineering design.

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 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to endorse the Amended Lease Guide Plan as a guide for layout of leases; and
2. MAKES the determination on the following grounds:
 - 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. DEFER this item; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Endorsement of the amended Geraldton Airport technology Park lease guide plan will allow detailed engineering design to progress to completion, enabling specifications to be finalised and tenders called to commission works for development of the Technology Park.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the Amended Lease Guide Plan as a guide for the layout of lease lots at the Geraldton Airport Technology Park; and
2. DELEGATE authority to the Chief Executive Officer to vary the lease guide plan to accommodate any essential engineering design and construction requirements during development, or to accommodate requirements of lessees that will deliver enhanced benefits to the City.

11.7 Reports to be Received**REPORTS TO BE RECEIVED**

AGENDA REFERENCE:	D-11-16569
AUTHOR:	A Brun, Chief Executive Officer
DISCLOSURE OF INTEREST:	No
FILE REFERENCE:	GO/6/0002
DATE OF REPORT:	3 October 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:

CS030 Accounts paid under CEO delegation for Sept 2011
CS031 Monthly Financials for September
CC021 Greater Geraldton Australia Day Meeting Minutes
SCDD057 Delegate Determinations

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:

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

- 12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- 13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

- 14 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**

- 15 CLOSURE**

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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

ANNEX 1 - CITY OF GREATER GERALDTON STANDING ORDERS LOCAL LAW 2007

LOCAL GOVERNMENT ACT 1995

CITY OF GERALDTON-GREENOUGH

STANDING ORDERS LOCAL LAW 2007

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

PART 1-PRELIMINARY

1.1 Citation

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

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

1.2 Application

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

1.3 Interpretation

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

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

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

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

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

"**Council**" means the Council of the City of Geraldton-Greenough;

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

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

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

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

1.4 Repeal

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

PART 2-BUSINESS OF THE MEETING

2.1 Business to be specified on notice paper

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

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

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

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

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

2.2 Order of business

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

(a) Declaration of opening;

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

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

(d) Public question time;

(e) Applications for leave of absence;

(f) Petitions, deputations or presentations;

(g) Declarations of conflicts of interest;

(h) Confirmation of minutes of previous meetings;

(i) Announcements by presiding member without discussion;

(j) Reports of committee and officers;

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

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

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

(n) Closure of meeting.

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

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

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

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

2.3 Public question time

- (1) A member of the public who raises a question during question time is to state his or her name and address.
- (2) A question may be taken on notice by the Council or committee for later response.
- (3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

2.4 Petitions

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

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

2.5 Deputations

- (1) A deputation requesting to meet the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor or the Presiding Member as the case may be.
- (2) The Mayor if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting;
- (a) is not to exceed three persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or committee for a period exceeding 10 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

2.6 Confirmation of minutes

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

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

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

2.7 Announcements by the presiding member without discussion

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

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

2.8 Motions of which previous notice has been given

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

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

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

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

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

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

- (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or

- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

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

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

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

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

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

2.10 Urgent business approved by the presiding member or by decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the members

present, be raised without notice and decided by the meeting.

2.11 Matters for which meeting may be closed

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

PART 3-PUBLIC ACCESS TO AGENDA MATERIAL

3.1 Inspection entitlement

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

3.2 Confidentiality of information withheld

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

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

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

Penalty \$5,000

PART 4-DISCLOSURES OF CONFLICTS OF INTERESTS

4.1 Separation of committee recommendations

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

4.2 Member with an interest may ask to be present

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

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

4.3 Member with an interest may ask permission to participate

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

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

4.4 Invitation to return to provide information

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

4.5 Disclosures by employees

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

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

PART 5-QUORUM

5.1 Quorum to be Present

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

5.2 Loss of quorum during a meeting

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

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

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

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

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

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

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

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

PART 6-KEEPING OF MINUTES

6.1 Content of minutes

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

6.2 Preservation of minutes

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

PART 7-CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 Official titles to be used

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

7.2 Members to occupy own seats

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

7.3 Leaving meetings

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

7.4 Adverse reflection

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

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

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

7.5 Recording of proceedings

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

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

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

7.6 Prevention of disturbance

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

Penalty \$1,000

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

Penalty \$1,000

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

PART 8-CONDUCT OF MEMBERS DURING DEBATE

8.1 Members to indicate they wish to speak

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

8.2 Priority

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

8.3 The presiding member to take part in debates

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

8.4 Relevance

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

8.5 Limitation of number of speeches

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

8.6 Limitation of duration of speeches

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

8.7 Members not to speak after conclusion of debate

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

8.8 Members not to interrupt

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

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

8.9 Re-opening discussion on decisions

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

PART 9-PROCEDURES FOR DEBATE OF MOTIONS

9.1 Motions to be stated

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

9.2 Motions to be supported

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

9.3 Unopposed business

- (1) Upon a motion being moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

9.4 Only one substantive motion considered

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

9.5 Breaking down of complex questions

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

9.6 Order of call in debate

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

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

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

9.7 Member may require questions to be read

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

9.8 Consent of member required to accept alteration of wording

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

9.9 Order of amendments

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

9.10 Amendments must not negate original motion

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

9.11 Substantive motion

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

9.12 Withdrawal of motion and amendments

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

9.13 Limitation of withdrawal

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

9.14 Personal explanation

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

9.15 Personal explanation - when heard

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

9.16 Ruling on questions of personal explanation

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

9.17 Right of reply

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

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

9.18 Right of reply provisions

The right of reply is governed by the following provisions:

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

9.19 En bloc motions

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

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

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

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

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

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

10.2 No debate on procedural motions

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

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

10.3 Procedural motions - closing debate - who may move

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

10.4 Procedural motions - right of reply on substantive motion

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

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

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

11.2 Council move to committee – effect of motion

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

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

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

11.4 Question to be adjourned - effect of motion

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

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

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

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

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

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

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

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

(b) in the case of a Council meeting

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

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

11.6 Question to be put - effect of motion

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

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

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

11.7 Member to be no longer heard - effect of motion

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

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

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

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

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

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

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

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

Penalty \$5,000

11.10 Question - when put

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

11.11 Question - method of putting

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

PART 12-MAKING DECISIONS

12.1 Question – when put

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

12.2 Question – method of putting

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

PART 13-IMPLEMENTING DECISIONS

13.1 Implementation of a decision

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

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

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

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

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

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

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

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

PART 14-PRESERVING ORDER

14.1 The presiding member to preserve order

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

14.2 Demand for withdrawal

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

14.3 Points of order - when to raise - procedure

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

14.4 Points of order - when valid

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

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

14.5 Points of order - ruling

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

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

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

14.7 Points of order take precedence

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

14.8 Precedence of presiding member

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

Penalty \$500

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

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

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

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

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

PART 15-ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

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

15.2 Limit to moving adjournment

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

15.3 Unopposed business - motion for adjournment

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

15.4 Withdrawal of motion for adjournment

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

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

15.5 Time to which adjourned

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

PART 16-PRESENTATION OF COMMITTEE OR OFFICER REPORTS

16.1 Reports of committees - questions

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

16.2 Permissible motions on recommendation from committee

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

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

16.3 Standing orders apply to committees

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

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

PART 17-ADMINISTRATIVE MATTERS

17.1 Suspension of standing orders

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

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

17.2 Cases not provided for in standing orders

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

PART 18-COMMON SEAL

18.1 The Council's common seal

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

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

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

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

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

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

Penalty \$1,000

Dated: 27 November 2007

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

IAN CARPENTER, Mayor

GARY BRENNAN, Chief Executive Officer