



ORDINARY MEETING OF COUNCIL

AGENDA

13 JULY 2011

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON WEDNESDAY, 13 July 2011 AT 5.30PM
CHAMBERS, EDWARD ROAD

A G E N D A

DISCLAIMER:

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

1 **ACKNOWLEDGEMENT OF COUNTRY**

2 **DECLARATION OF OPENING**

3 **ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

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

Nil.

5 **PUBLIC QUESTION TIME**

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

Sharon Gould 4 Viking Lane WANDINA

Questions provided in writing prior to the meeting

Question

I would like to write to contest your decision around the closure of the Aquarena for winter maintenance.

Every Week for the past 8 years I have taken my son for therapeutic swimming in the hydro pool. This assists him to maintain his gross motor development & Minimise future surgery on his legs. This promotes his independence as a now 12 ½ year old young man.

The benefits outweigh the negatives for him to have accessibility to the one & only local pool all year round.

I understand that the Aquarena needs to maintain a high standard for its long term sustainability however I believe this is at the risk of its consumers.

Aren't we endeavouring to promote people to maintain good health & the Aquarena is a venue that people can continue even when its still winter!

I hope you will change your decision to keep the Aquarena open all year round and identify another way that you can maintain a very valued & important resource to the city of Geraldton/Greenough.

Response

Your submission questioning closure of the Aquarena, as proposed during the 2012 winter is noted.

The City would prefer to avoid periods of closure of the Aquarena, and in particular would prefer to avoid periods of closure of the hydrotherapy pool, so that it remains available through the year. However, you may recall that closure of the hydrotherapy pool for a period of about six weeks became necessary during 2010 to enable essential maintenance work to be undertaken.

The reality is that, from time to time, aquatic centres need to be closed, to enable crucial maintenance and repair work to be undertaken. The indoor centre has now operated for about 11 years, without any extended periods of closure of the whole centre to the public, preventing important preventative maintenance work being carried out. We can no longer defer this essential work.

We are now confronted with increasingly serious areas of deterioration of the building. Most particularly, the internal steel frame structure of the walls and roof needs to be sand blasted, re-treated with anti-corrosion material, and re-painted. In some places the corrosion is becoming serious. Failure to do this work could threaten the future viability of the centre.

Because of the need to erect scaffolding within the centre, the nature of the sand blasting process required, and toxic fumes from anti-corrosion treatments and paint, it is impossible to do the work unless the centre is closed to the public. Closure will also enable other

essential maintenance work to be undertaken, some of which requires emptying of the indoor pools.

The period of the year when there is least impact on the majority of Aquarena users is the coldest part of winter. Hence that is the logical time to schedule the work.

Please be assured that the City intends to keep the period of closure as short as is practicable, having regard to the nature and extent of the essential work that must be undertaken.

The decision to have a period of closure during the 2012 winter has been taken now, a year in advance, to maximise the period available to people to make alternative plans. During the next few months, as we arrange specialist contractors to undertake the work, and get tasks scheduled, we will inform the public of the specific dates of the closure.

As noted above, scheduling a period of closure during the 2012 winter is unavoidable. The City notes the special needs of your son, along with the range of needs of other users of the indoor centre, and apologises for the inconvenience the planned closure may cause.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

Existing Approved Leave

July		
Nil.		

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Nil.

8 DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Special meeting of Council of the City of Greater Geraldton held on 1 July 2011 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 *Reports of the Chief Executive Officer*

11.2 Reports of Corporate Services

CS010	ENDORSEMENT OF APPOINTMENT - CHIEF EXECUTIVE OFFICER
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AGENDA REFERENCE:	D-11-01838
AUTHOR:	C Wood, Director Corporate Services
EXECUTIVE:	C Wood, Director Corporate Services
DATE OF REPORT:	6 July 2011
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	Nil
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to endorse the appointment of Anthony Brun as the Chief Executive Officer of the City of Greater Geraldton for the remainder of his existing contract.

PROponent:

Not applicable.

BACKGROUND:

Regulation 6(4)(g) of the Local Government (Constitution) Regulations states that an employee transferring from a current local government to an amalgamated local government will be taken to have an identical contract of employment with the larger local government.

With the amalgamation of the City of Geraldton-Greenough and the Shire of Mullewa the existing positions in both local governments transfer to the new local government. The only exception to this is the position of Chief Executive Officer (CEO). Currently, there is a CEO for the Shire of Mullewa and the City of Geraldton-Greenough.

If both CEOs sought to continue their employment as CEOs then it would not be possible for the new amalgamated local government to satisfy both of the CEOs in regard to continued employment in the same role and, as a consequence, either one of the roles is varied into another role in the new entity or both positions are declared vacant and a new CEO is appointed.

The existing CEO of the Shire of Mullewa has accepted the position of District Manager of the Mullewa Office and therefore this leaves the CEO of the City of Geraldton-Greenough as the only CEO employed by the new City of Greater Geraldton. This appointment is only for the balance of the CEO's current contract which expires on 3 June 2013.

COMMUNITY CONSULTATION:

There is no requirement for community consultation on this matter.

COUNCILLOR/OFFICER CONSULTATION:

There is no requirement for councillor/officer consultation.

STATUTORY IMPLICATIONS:

Regulation 6(4)(g) of the Local Government (Constitution) Regulations governs the continued employment of employees into an amalgamated local government.

Sections 5.36 and 5.39 govern the requirements of the Council in the endorsement of the CEO of the City of Geraldton-Greenough as the CEO of the City of Greater Geraldton.

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL AND BUDGET IMPLICATIONS:

The salary and entitlements of the CEO of the City of Greater Geraldton are contained 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 from the consideration of this matter.

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

There are no economic impacts associated with this matter.

Social:

There are no social impacts associated with this matter.

Environmental:

There are no environmental impacts associated with this matter.

Cultural & Heritage:

There are no cultural or heritage impacts associated with this matter.

RELEVANT PRECEDENTS:

There are no relevant precedents associated with this matter.

DELEGATED AUTHORITY:

There are no delegated authority issues associated with this matter.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:**Option 1:**

That the Council of Commissioners by Absolute Majority under Section 5.36 of the Local Government Act RESOLVES to:

1. Not ENDORSE Anthony Brun as the Chief Executive Officer and immediately advertise the position of Chief Executive Officer of the City of Greater Geraldton; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

Option 2:

That the Council of Commissioners by Absolute Majority under Section 5.36 of the Local Government Act RESOLVES to:

1. EXTEND the appointment of Anthony Brun as the Chief Executive Officer of the City of Greater Geraldton until the appointment of the new Council; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

Option 3:

That the Council of Commissioners by Absolute Majority under Section 5.36 of the Local Government Act RESOLVES to:

1. ENDORSE the appointment of Anthony Brun as the Chief Executive Officer of the City of Greater Geraldton for the remainder of his existing employment contract; and
2. ENDORSE the provisions of the Chief Executive Officer's employment contract.

CONCLUSION:

The endorsement of Anthony Brun as the Chief Executive Officer of the City of Greater Geraldton provides certainty and positive direction for the new entity and its employees.

EXECUTIVE RECOMMENDATION:

For the consideration of Council.

CS011	CITY OF GREATER GERALDTON COUNCIL POLICIES
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AGENDA REFERENCE:	D-11-01839
AUTHOR:	C Wood, Director of Corporate Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	6 July 2011
FILE REFERENCE:	GO/6/0002
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:

City of Greater Geraldton.

BACKGROUND:

The following council policies have been developed incorporating elements of existing policies, where existing policies are in place from both former entities:

1. CP022 – Youth
2. CP023 – Heritage
3. CP024 – Sister City

COMMUNITY CONSULTATION:

Where necessary, consultation has been undertaken via public notice and liaison with relevant parties.

COUNCILLOR/OFFICER CONSULTATION:

Policies were developed based on the previous existing policies of the former City of Geraldton-Greenough and Shire of Mullewa and require adoption by the new Council.

STATUTORY IMPLICATIONS:

Section 3.18 of the Local Government Act 1995.

POLICY IMPLICATIONS:

The attached policies are a preferred direction for the new entity and will be applied to assist in the governance of the City of Greater Geraldton.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

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

Key Result Area 4: Leading the Opportunities

Outcome 4.1: Leadership in 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, RESOVES 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 direction to the Council of Commissioners from 1 July 2011 in overseeing the affairs of the new local government until the inaugural Council is elected in October 2011.

EXECUTIVE RECOMMENDATION:

That the Council of Commissioners by Simple Majority, pursuant to Section 5.20 of the Local Government Act 1995, RESOLVES to ENDORSE the following Council Policies for the new local authority of the City of Greater Geraldton:

1. CP022 – Youth
2. CP023 – Heritage
3. CP024 – Sister City

CS012 REPRESENTATIVES ON COUNCIL COMMITTEES
--

AGENDA REFERENCE:	D-11-01840
AUTHOR:	C Wood, Director Corporate Services
EXECUTIVE:	C Wood, Director Corporate Services
DATE OF REPORT:	6 JULY 2011
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	Nil
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to re-establish Council committees for the new City of Greater Geraldton.

PROPONENT:

Not applicable.

BACKGROUND:

The following committees have been addressed in this item:

- a. City of Greater Geraldton Bush Fire Advisory Committee; and
- b. City of Greater Geraldton Local Emergency Management Committee.

On 1 July Council adopted the re-establishment of the Bush Fire Advisory Committee however; unfortunately the provision of Mullewa representatives on the committee was omitted from the item.

This item also seeks adoption of the Local Emergency Management Committee, previously provided to Council on 1 July as further research has noted that there is a significant number of new representatives in addition to those listed in the committee book.

Section 5.8 of the Local Government Act 1995 allows Council to establish, by absolute majority, committees of three or more persons to assist Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

The new City of Greater Geraldton is required to re-establish the committees for the previous Shire of Mullewa and the City of Geraldton-Greenough as deemed necessary.

COMMUNITY CONSULTATION:

Where appropriate, each committee has existing community representation.

COUNCILLOR/OFFICER CONSULTATION:

There is no requirement for councillor/officer consultation.

STATUTORY IMPLICATIONS:

Section 5.8 of the Local Government Act 1995 allows Council to establish committees to assist it in discharging its duties under the Act.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no cost implications in the establishment of these committees.

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 4.1.2: Develop and empower the Council.

Regional Outcomes:

The establishment of these committees provides for regional issues to be addressed in a consultative manner.

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

The re-establishment of these committees may provide economic benefits to the community.

Social:

The re-establishment of these committees may provide social benefits to the community.

Environmental:

The re-establishment of these committees may provide environmental benefits to the community.

Cultural & Heritage:

The re-establishment of these committees may provide cultural and heritage benefits to the community.

RELEVANT PRECEDENTS:

The committees have been re-established from the former City of Geraldton-Greenough and the Shire of Mullewa.

DELEGATED AUTHORITY:

Delegations to the committees have been stated in their Terms of Reference.

VOTING REQUIREMENTS:

Absolute Majority is required.

CONCLUSION:

The re-establishment of Council committees will assist Council in the discharge of its duties to the community and provide a platform for input into Council's direction by the community.

OPTIONS:**Option 1:**

As per Executive Recommendation.

Option 2:

That the Council of Commissioners by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. Not ACCEPT additional representative as members of the City of Greater Geraldton Bush Fire Advisory Committee and City of Greater Geraldton Local Emergency Management Committee; and
2. MAKES the determination based on the following reasons:
 - a. To be determined by Council

Option 3:

That the Council of Commissioners by Absolute Majority under Section 5.8 of the Local Government Act RESOLVES to:

1. ACCEPT additional representatives as members of the City of Greater Geraldton Bush Fire Advisory Committee and City of Greater Geraldton Local Emergency Management Committee with the following changes ;
 - a. To be determined by Council.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

Part A – City of Greater Geraldton Bush Fire Advisory Committee**EXECUTIVE RECOMMENDATION:**

That the Council of Commissioners by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to ACCEPT the addition of the following representatives as members of the City of Greater Geraldton Bush Fire Advisory Committee:

1. Don Spark, Cape Burney;
2. Peter Freeman , Eradu;
3. Murray Preston, Casuarinas;
4. Mick Tierney, Mullewa Central;
5. Brett Steele, Mullewa South;
6. Zac Grima, Pindar;
7. Vince Tropiano, Tardin;
8. Paul Messina, Tenindewa North; and
2. Daniel Critch, Tenindawa South.

Part B – City of Greater Geraldton Local Emergency Management Committee**EXECUTIVE RECOMMENDATION:**

That the Council of Commissioners by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to ACKNOWLEDGE the following representatives as members of the City of Greater Geraldton Local Emergency Management Committee:

1. Representative from Department of Agriculture and Food;
2. Representative from Department of Environment and Conservation;
3. Representative from Department of Fisheries;
4. Representative from Department of Water;
5. Representative from Greenough Regional Prison;
6. Representative from Fire and Rescue Services;
7. Representative from State Emergency Services;
8. Representative from Centrecare;
9. Representative from Main Roads;
10. Representative from Geraldton Regional Hospital;
11. Representative from Geraldton Surf Life Saving Club;
12. Representative from Australian Federal Police;
13. Representative from Volunteer Marine Rescue;
14. Representative from Centrelink;
15. WA Police (Geraldton Station Local Emergency Coordinator); and
16. WA Police (Geraldton Police Station Assistant Local Emergency Coordinator);

11.3 Reports of Sustainable Communities

SC006	AUTHORISATION TO ACT – COMPLIANCE OFFICER MR ANDREW WHITE
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AGENDA REFERENCE:	D/11/01198
AUTHOR:	A White, Compliance Officer
EXECUTIVE:	P Melling, Director of Sustainable Communities
DATE OF REPORT:	09 June 2011
FILE REFERENCE:	PE/0306 / SM-1-0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

Mr Andrew White is the Compliance Officer for the Sustainable Communities Directorate. The officer needs to be appointed and gazetted as an authorised person under a variety of legislation in order to carry out his duties. Furthermore, the respective Town Planning Schemes require that Officers be authorised to enter any building or land within the City for the purpose of ascertaining whether the provisions of the scheme are being observed. Unfortunately, there was an omission in the Executive Recommendation put to the Council meeting on 01 July 2011 as the Shire of Mullewa's Town Planning Scheme was not included although it was referenced in the report.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The compliance officer will be required to assess Scheme provisions, along with all other facets of control under the jurisdiction of local government in relation to daily operation of various Acts, Regulations and Local Laws.

As such Council is required to appoint and gazette the person in the role of Compliance Officer as an Authorised Person under the sections of the following Acts, Local Laws and Regulations and the following clauses of the Schemes:

- The Local Government (Miscellaneous Provisions) Act 1960 s245A;
- The Local Government Act 1995 s3.24, s3.39 and s9.10;
- Caravan Parks and Camping Grounds Act 1995 s17, s22 and s23;
- Planning and Development Act 2005;
- Council's Local Laws and Regulations as prescribed;
- City of Geraldton Town Planning Scheme No.3 clause 8.1(c);
- Shire of Greenough Town Planning Scheme No.1A clause 7.1(c);
- Shire of Greenough Town Planning Scheme No. 5 clause 6.6.1(c);
- and
- Shire of Mullewa Town Planning Scheme No. 1 clause 7.1 (c).

COMMUNITY CONSULTATION:

Not Applicable.

COUNCILLOR/OFFICER CONSULTATION:

Liaison between the Director of Sustainable Communities and the Compliance Officer.

STATUTORY IMPLICATIONS:

Fulfilling the statutory requirements of the following legislation:

- The Local Government (Miscellaneous Provisions) Act 1960;
- The Local Government Act 1995;
- Caravan Parks and Camping Grounds Act 1995;
- Planning and Development Act 2005;
- Council's Local Laws and Regulations as prescribed;
- City of Geraldton Town Planning Scheme No.3;
- Shire of Greenough Town Planning Scheme No.1A;
- Shire of Greenough Town Planning Scheme No.5; and
- Shire of Mullewa Town Planning Scheme No. 1 clause 7.1 (c).

POLICY IMPLICATIONS:

There are no policy Implications.

FINANCIAL AND BUDGET IMPLICATIONS:

A cost of approximately \$60 for placing a notice in the Government gazette and the budgeted salary costs for this position.

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

Key Result Area 1: Opportunities for Lifestyle

Key Result Area 4: Leading the Opportunities.

Outcome 4.2: Constituent centric organisation.

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

Outcome 4.4: Achieving and exceeding statutory compliance.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic impacts.

Social:

There are no social issues.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

Previous Council decision on 28 October 2008 item SC19, Authorisation to Act – Compliance Officer

DELEGATED AUTHORITY:

Capacity to enforce the provisions of:

- The Local Government (Miscellaneous Provisions) Act 1960 s245A;
- The Local Government Act 1995 s3.24, s3.39 and s9.10;
- Caravan Parks and Camping Grounds Act 1995 s17, s22 and s23;
- Planning and Development Act 2005;
- Council's Local Laws and Regulations as prescribed;
- City of Geraldton Town Planning Scheme No.3:
- Shire of Greenough Town Planning Scheme No.1A:
- Shire of Greenough Town Planning Scheme No. 5; and
- Shire of Mullewa Town Planning Scheme No.1.

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 Local Government Act 1995 (as amended) RESOLVES to:

1. DECLINES the authorisation powers as it would prefer that all aspects of the role be the subject of separate reports to Council before any respective actions; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER a decision on the matter pending further information.
-

CONCLUSION:

It is recommended that the Compliance Officer Mr Andrew Jeffery Powers White of the City of Greater Geraldton be authorised to implement specific provisions of the legislation governing the Planning and Building areas of the City. The authorisations ensure that the position is both effective and has the correct legal authority for any actions that this position may be required to undertake.

EXECUTIVE RECOMMENDATION:

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

1. APPOINT Andrew Jeffrey Powers White as Authorised Officer, in accordance with the town planning scheme listed hereunder:
 - a. Shire of Mullewa Town Planning Scheme No. 1 clause 7.1 (c).

SC007	PROPOSED TOWN PLANNING SCHEME AMENDMENT – RURAL RESIDENTIAL REZONING, WAGGRAKINE
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AGENDA REFERENCE:	D/11/01173
AUTHOR:	K Elder, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	04 July 2011
FILE REFERENCE:	LP/015/0002 LP 10-414
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The City is proposing to initiate a scheme amendment to rezone Lots 75 and 78 Cooper Street, Waggrakine from 'Rural' to 'Rural Residential RR4' to rectify a zoning anomaly.

This report recommends that Council initiate the scheme amendment.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City is pursuing the rezoning of Lots 75 and 78 Cooper Street, Waggrakine to rectify an anomaly between the zoning of the lots under Local Planning Scheme No. 5 (Greenough). The lots are also included in the Waggrakine Rural Residential Structure Plan (WRRSP), which was endorsed by the WA Planning Commission on 04 March 2011, and hence the current zoning of 'Rural' is an anomaly.

It is important to note is that there are 2 other landholdings (Lots 100 and 101 Cooper Street) that are currently zoned 'Rural' and also form part of the WRRSP, however are not included in the Amendment.

The WAPC have recently prepared an update to the Greater Geraldton Structure Plan. The updated plan includes the landholding in Development Investigation Area 3 which is identified for future intensification and was the subject of a rezoning request supported by Council at its 28 June 2011 meeting. The landholding is also directly adjacent to Development Investigation Area 4 Waggrakine which is also identified for future intensification.

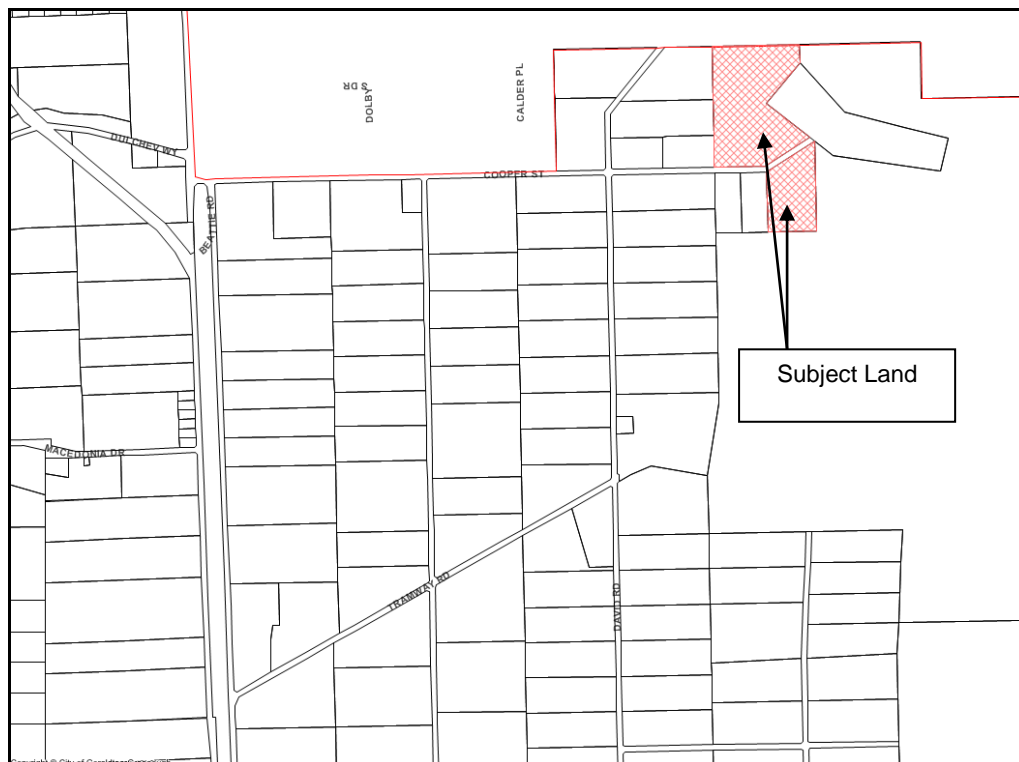
Further comments in support of the scheme amendment are as follows:

- The lots have been included in various versions of the WRRSP since approximately 2002 and is included in the WRRSP endorsed recently by the City and the WA Planning Commission.
- The lots are identified in various strategic planning documents as being intended for rural based lifestyle development.

- The lots are currently utilised for rural residential lifestyle opportunities.
- It is not a viable size to be used for farming activities normally associated with the “Rural” zone in which it is located. There will be no change to the land use currently undertaken.
- Inclusion in the RR4 zone and further development in accordance with the provisions of the WRRSP will require the preparation and implementation of a land management plan, which will ensure re-vegetation of the lots.
- The potential for subdivision based on the minimum and average lot sizes prescribed in the WWRSP will not significantly increase the lot yield with potential to have a detrimental impact on conservation or landscape values.

The scheme amendment maps are included as Attachment No. SC007.

Locality Plan:



COMMUNITY CONSULTATION:

The City has pre-consulted with the 4 landowners whose land is included with the WRRSP but still zoned ‘Rural’. Letters were sent on 21 March 2011 and again on 20 June 2011 seeking comments regarding the proposal for the City to facilitate the rezoning of the land.

The owners of Lots 75 and 78 gave their support to the proposed rezoning, the owner of Lot 100 specifically declined to be included within the rezoning and has objected to the WRRSP and no response was received from the owner of Lot 101.

Accordingly staff have only progressed the Amendment for Lots 75 and 78.

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

COUNCILLOR/OFFICER CONSULTATION:

There has been no Councillor/Officer consultation other than internally between officers from the Town Planning Services Team.

STATUTORY IMPLICATIONS:

The subject property is currently zoned 'Rural'. The primary intent behind the amendment is to rectify an obvious zoning anomaly whereby a Rural Residential Structure Plan has been endorsed, yet portions of the Structure Plan area are still zoned 'Rural'.

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 1.1.2: Effective delivery of statutory planning and building regulations.

Regional Outcomes:

Geraldton Region Plan (1999) and Greater Geraldton Structure Plan Update 2010:

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 a 'development investigation area 3' on the structure plan.

For area 3 the structure plan states that the land will be considered for future intensification. The relative proximity of the southern portion to the northern coastal corridor will be significant considerations in determining the most appropriate level of intensification.

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

There are no economic issues.

Social:

There are no social issues.

Environmental:

The Waggrakine locality contains significant areas of vegetation in good or better condition and the Environmental Protection Authority has advised that these are likely to be considered important for conservation. The adopted WRRSP has addressed environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 24 May 2011 granted final approval to Amendment No. 1 to Local Planning Scheme No. 5 (Greenough) which (inter alia) proposed the rezoning of Lots 75 and 78 Cooper Street, Waggrakine from 'Rural' to 'Rural Residential (RR4)'. The WA Planning Commission has subsequently advised that the inclusion of Lots 75 and 78 Cooper Street in the rezoning at the final stages of the scheme amendment process would have necessitated the entire Amendment No. 1 to be referred back to the EPA for assessment and the process would in essence have to start again.

In order to progress Amendment No. 1 and still rectify the zoning anomaly, this separate scheme amendment is being proposed.

Council at its meeting held on 28 June 2011 resolved to initiate an amendment to rezone a substantial landholding immediately to the east of the subject land to the 'Development' zone.

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lots 75, 78, 100 and 101 Cooper Street, Waggrakine to the 'Rural Residential' zone; and
2. Proceed with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

Option 3:

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

1. REFUSE to initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lots 75 and 78 Cooper Street, Waggrakine to the 'Rural Residential' 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 4:

That Council by Simple Majority RESOLVES to DEFER the matter.

CONCLUSION:

The rezoning of Lots 75 and 78 Cooper Street, Waggrakine from "Rural" to "Rural Residential" will correct an obvious zoning anomaly that occurred when the Local Planning Scheme No. 5 (Greenough) was gazetted. The rezoning from "Rural" to "Rural Residential" reflects the intentions of the Waggrakine Rural Residential Structure Plan which has recently been endorsed by Council and the WA Planning Commission.

Option 2 affords Council the opportunity to rectify the zoning anomaly for all 4 landholdings. However it should be noted that one of the owners (Lot 100) is vehemently opposed to the rezoning and the other (Lot 101) has not responded to previous consultation on the matter.

Option 3 is not supported as the amendment is consistent with the regional planning direction and structure planning framework as it applies to the area.

There is considered sufficient information for Council to determine the matter and therefore Option 4 is not supported.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lots 75 and 78 Cooper Street, Waggrakine to the 'Rural Residential' zone; and
2. Proceed with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

SC008	FINAL ADOPTION OF OUTLINE DEVELOPMENT PLAN – LOT 500 CHAPMAN ROAD, BLUFF POINT
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AGENDA REFERENCE:	D/11/01200
AUTHOR:	K Elder, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	04 July 2011
FILE REFERENCE:	LP/0135 LP 11- 414
APPLICANT / PROPONENT:	Chappell Lambert Everett
ATTACHMENTS:	Yes (x2)

SUMMARY:

The advertising period has concluded for the Outline Development Plan for Lot 500 Chapman Road, Bluff Point which will facilitate the residential subdivision and development of the land.

This report recommends final approval of the Outline Development Plan (subject to minor modifications) and that it be forwarded to the WA Planning Commission for final endorsement.

PROPONENT:

The proponent is Chappell Lambert Everett who are acting on behalf of the Public Transport Authority, Landcorp and PRM Property Holdings.

BACKGROUND:

The Outline Development Plan (ODP) proposes residential development to an R25 density coding (350m² average lot size), with 2 grouped housing sites of R60 and R80 density coding. These grouped housing sites are located adjacent to the public open space, which accommodates the historic railway alignment and will retain the Bluff Point Railway Cottage and the rail cutting.

26% of the site is to be retained as public open space. Interpretive works are also proposed as part of the development, on advice from the Heritage Council of WA, and in accordance with the proponents 'Interpretative Plan'.

The ODP requires Detailed Area Plans (DAP's) for the grouped housing sites, lots fronting the public open space and those lots fronting Chapman Road (access via a slip road).

The ODP proposes improved road legibility and increased traffic management on Chapman Road by the provision of two roundabouts connecting the development into the existing road network. The design includes pedestrian pathways, cycling lanes and bus embayment along Chapman Road, and an additional slip road where proposed lots directly fronting Chapman Road will gain access. The future road connection across the public open space and into Nichols Street to the south provides increased neighbourhood connection and permeability.

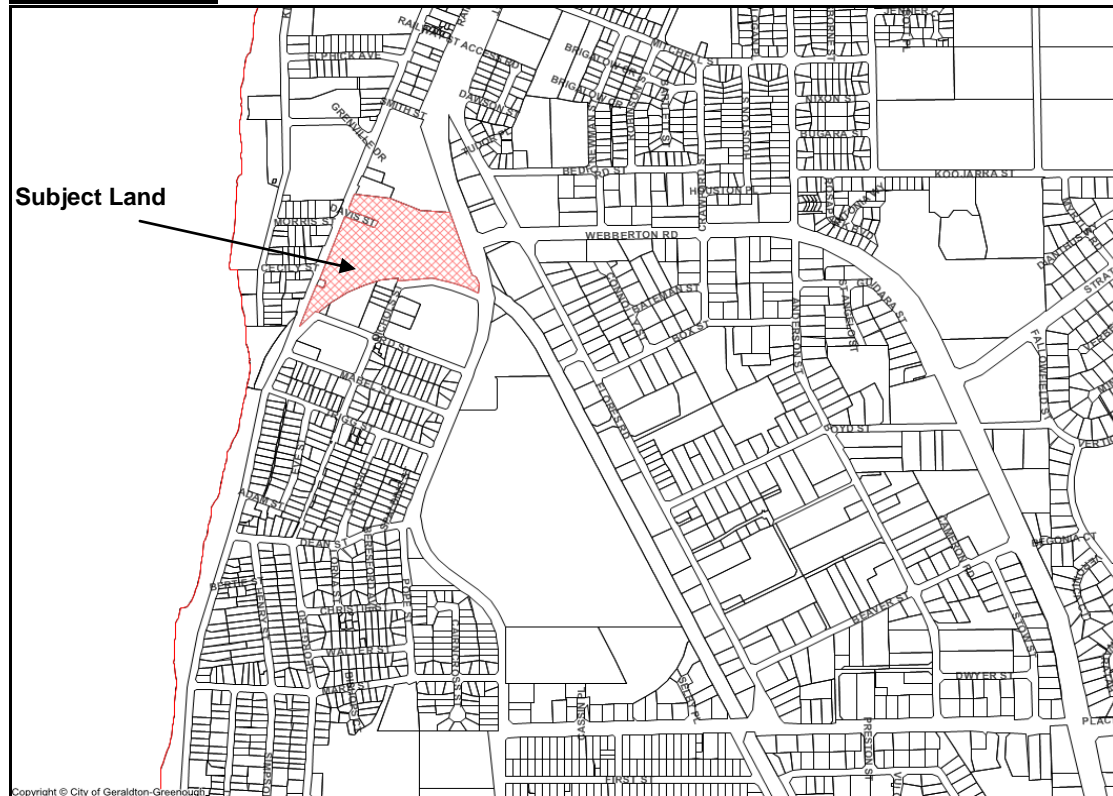
The closure of Davis Street road reserve has been commenced in order to facilitate the development and the improved road network. The request for closure is currently with the Minister for final approval.

A copy of the ODP is included as Attachment No. SC008A.

The Site:

Lot Size	8.36ha
Existing Development	Vacant, apart from the Bluff Point Railway Cottage, and railway swing cut to the south of the site.
Access and Frontage	Approx 400m frontage to Chapman Road.
Topography	Small central north-south ridge 12-15m AHD falling to 7-9m AHD at Chapman Road. The southern boundary heavily influenced by the railway swing cut.
Vegetation	Vegetated, however classed as mostly natural regrowth in a generally degraded state. No Declared Rare or Priority Flora species found.
Surrounding Land uses	Bounded to the west and east by Chapman Road and North West Coastal Highway. Abutting residential properties to the south with the northern boundary abutting the Fitzgerald Hall and St Lawrence Primary School.

Locality Plan:



COMMUNITY CONSULTATION:

The ODP was publicly advertised in accordance with the provisions of the City of Greater Geraldton Town Planning Scheme No. 3 (Geraldton).

The advertising period was for 21 days (commencing on 19 May 2011 and concluding on 09 June 2011) and involved the following:

1. All landowners and occupiers within a 100m radius were written to and provided with a copy of the Plan.
2. A notice appeared in the Mid West Times on 19 May 2011.
3. Two signs were erected on site.
4. The Plan was available on the City's website.
5. The Plan was publicly displayed at the Civic Centre.
6. Separate meetings were held by the applicant with the St Lawrence Primary School Board, with staff and parents on Thursday 02 June 2011.
7. A community information session was held by the applicant on Thursday 02 June 2011 at the Fitzgerald Hall.
8. The Structure Plan was referred to the following:
 - Department of Education
 - Department of Environment & Conservation
 - Department of Indigenous Affairs
 - Heritage Council of WA
 - Main Roads WA
 - Mid West Development Commission
 - Midwest Chamber of Commerce & Industry
 - Telstra
 - WA Gas Networks
 - Water Corporation
 - Western Power
 - WA Planning Commission

The advertising period was extended at the request of the Department of Environment and Conservation in order for them to provide comment.

Submissions:

As a result of the advertising, a total of 17 submissions were received (6 in support, 3 objecting and 8 indifferent/no objection to the Plan). Listed below is a summation of the comments/concerns raised from the public comment period:

Public Open Space

- The old railway reserve should remain as public open space and park and not used for roads or other utilities.
- We support the development as long as it incorporates recreational public area. Such a high residential density, including two grouped housing sites, a recreational area is of paramount importance.

Roads

- Concern regarding the location of the northern roundabout. Believe it would be more practical to place it at Morris St entry onto Chapman Rd. The traffic flow along Chapman Rd is immense before and after school – it is extremely difficult to get out onto Chapman Rd during these times.
- The Camp School staff and CWA residents regularly utilise the accessway to a grey shed which in turn allows us to access the large red sheds that contain major equipment – trailers, boats etc. If the northern roundabout stays as suggested you would need to ensure access to Chapman Road from our site.
- Concerns regarding the congestion of traffic on Chapman Road.
- Don't see access into estate via NWCH.
- As a consequence of the installation of the roundabouts on Chapman Rd there will be a significant increase in the amount of traffic utilising Mabel St Beresford. This traffic will access NWCH from Chapman Rd using Mabel St and vice versa. We would encourage traffic calming measures along Chapman Rd to Mark St to discourage thru traffic. Further traffic calming measures should be introduced along Mabel St to reduce traffic speed and discourage thru traffic.
- The proposed roundabouts for Cecily Street and near St Lawrence Primary School should be made big enough for Buses (school) and coaches as it is a main route for them.
- Removal of all islands in Chapman Road and restore them to previous alterations.
- Removal of bus stop outside of Liquorland, Bluff Point as there is no bay for the bus to fit into and it holds up traffic whilst passengers get on and off.
- Only entry and exit are on Chapman Road. Often very busy with fetes etc.

Other

- Using deciduous trees for landscaping (London Plane Trees). These leaves may cause problems with our strong winds and perhaps a lot of maintenance for council unblocking drains etc. Perhaps the native hibiscus that was used on the foreshore would be more suitable and as attractive.
- Not in favour of double storey houses especially if single dwellings in between.
- Is there any housing being allocated for Homeswest? What is the group housing definition? I would like to think that consideration is given to neighbouring properties and social impact that housing estates can cause.

Department of Environment and Conservation

The site was classified under the Contaminated Sites Act 2003 as *possibly contaminated – investigation required* and a memorial was placed on the certificate of title. Since classification, the site has been subject to soil and groundwater investigations and some remediation. If the current classification

remains, DEC would seek to impose conditions at the subdivision stage of the planning process.

City of Greater Geraldton

During the public consultation period staff from the City worked in conjunction with the proponent to slightly modify the ODP (with regard to wording clarification and areas for DAP's). These changes have been incorporated into the ODP.

A 'Schedule of Submissions' is included as Attachment No. SC008B and copies of the actual submissions are available to Council upon request.

COUNCILLOR/OFFICER CONSULTATION:

The ODP has been assessed by staff from the Town Planning and Infrastructure Planning & Design Teams. In formulating the ODP there has been extensive consultation with the proponent and the Directors of both the Sustainable Communities and Community Infrastructure directorates.

A Briefing Note, advising of the commencement of the advertising for the ODP was forwarded to Councillors on 16 May 2011.

STATUTORY IMPLICATIONS:

The land is zoned "Residential Development" under Town Planning Scheme No. 3 (Geraldton). It is intended that the land in this zone be progressively developed for residential purposes and for commercial and other uses normally associated with residential development.

The Scheme requires that an ODP be prepared before granting and/or recommending approval to any development or subdivision. The Scheme also sets out the requirements in terms of the details required for ODP's, advertising requirements and the approvals process.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The ODP will facilitate land for future residential development. As part of this future development there will be increased income to the City via rates, and fees associated with development of the land. New roads and public open space will become the responsibility of the City to maintain in the future.

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.

- 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.

Regional Outcomes:

Liveable Neighbourhoods:

Liveable Neighbourhoods is a WAPC operational policy for the design and assessment of outline development plans and subdivision for new urban areas. The ODP provides a contemporary planning framework for future development of Lot 500 Chapman Road, Bluff Point which is consistent with Liveable Neighbourhoods.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic issues.

Social:

There are no social issues.

Environmental:

The site is classified as *possibly contaminated – investigation required* under the Contaminated Sites Act. The Department of Environment and Conservation have provided the City with advice (refer to the ‘Schedule of Submissions’, submission No. 17) which will be included within the ODP report.

Cultural & Heritage:

Within the ODP area there are 2 sites listed on the Geraldton Municipal Inventory. The Bluff Point Gatekeeper’s Cottage (place number 069) and the Two Mile Well (place number 070) are listed as follows:

Management Category 1X

Level of Significance: EXCEPTIONAL SIGNIFICANCE – Essential to the heritage of the locality.

Management Recommendation: Conservation of the place is considered essential. Any proposed change should not unduly impact on the significance of the place and be in accordance with either a Conservation Plan or Heritage Impact Statement.

Both places are also permanently listed on the Heritage Council of WA’s Register of Heritage Places and classified by the National Trust of WA.

The railway swing cut, at the south of the site, is currently an interim entry on the Heritage Council of WA's Register of Heritage Places.

A Heritage Impact Statement report has been completed and details the restoration and rehabilitation of the sites. It is intended that the Gatekeeper's Cottage will be used as a temporary sales office during the marketing of the residential estate.

The Heritage Council of WA has no objection to the ODP.

RELEVANT PRECEDENTS:

Council at its meeting held on 26 July 2005 gave final approval to Amendment No. 30 which proposed the rezoning of the site to "Residential Development". The Amendment was gazetted on 13 January 2006.

Council at its meeting held on 19 October 2010 resolved to close Davis Street to facilitate the subdivision of the land. The closure is with the Minister for approval.

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 4.16 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. REFUSE to adopt the Outline Development Plan for Lot 500 Chapman Road, Bluff Point; and
2. MAKES the determination on the grounds that the adoption of the Outline Development Plan would compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the matter.

CONCLUSION:

Given the strategic location of Lot 500 Chapman Road, Bluff Point within 3 km of the Geraldton CBD, coupled with the availability of all essential urban services and infrastructure, the subject land is seen as an appropriate and desirable residential location.

The proposed road network, which includes two roundabouts on Chapman Road will provide safe and efficient access to the residential land, as well as significantly improve access to the adjoining St Lawrence Primary School.

The location of approximately 2ha of public open space along the southern boundary of Lot 500 will enable the retention of the 3 heritage features of the site – the ‘Gatekeepers Cottage’, ‘Two Mile Well’ and the ‘swing cut’ railway formation in one continuous attractively landscaped corridor. The proposed landscaped parkland and streetscaping of Chapman Road and the internal roads with appropriate street trees and footpaths will make a real positive contribution to the character and amenity of the area.

Option 2 is not supported as the ODP clearly demonstrates how the subject land can be subdivided and subsequently developed for a mix of residential homesites that can be easily integrated with the existing community.

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

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to clause 4.16 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. DETERMINE the submissions as outlined in the ‘Schedule of Submissions’;
2. ADOPT the Outline Development Plan for Lot 500 Chapman Road, Bluff Point, subject to the modifications as outlined in the ‘Schedule of Submissions’; and
3. FORWARD the Outline Development Plan to the WA Planning Commission for its endorsement.

11.4 Reports of Creative Communities

CC002 CITY OF GREATER GERALDTON LOCAL LAWS 2011	
AGENDA REFERENCE:	D/11/01747
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	4 July 2011
FILE REFERENCE:	D11/184
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x12)

SUMMARY:

The attached suite of City of Greater Geraldton local laws are provided for consideration by the Commissioners and for the Presiding Member to give notice of the purpose and effect of each local law and for approval to advertise seeking community comments on the proposed local laws.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

With the establishment the City of Greater Geraldton (the City) effective from the 1 July 2011 it is appropriate to adopt a suite a new local laws to replace all local laws that operated under the former City of Geraldton-Greenough, and Shire of Mullewa. The adoption of the new local laws will include the repeal of related local laws in respect to the former City of Geraldton-Greenough, City of Geraldton, Shire of Greenough and Shire of Mullewa. Any current local law that is not being repealed as part of the adoption of a new local law will be repealed as part of the *City of Greater Geraldton Repeal Local Law 2011*.

It should be noted that when the City of Geraldton and Shire of Greenough amalgamated in 2007 the process of reviewing and repealing local laws was not undertaken so it is necessary to undertake this task with the further amalgamation involving the City of Geraldton-Greenough and Shire of Mullewa. Until the new local laws are adopted the old local laws continue in operation for the district in which they were originally adopted.

COMMUNITY CONSULTATION:

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

As part of the consultation process the following draft local laws have been referred to the Department of Local Government for comment:

1. Animals, Environment and Nuisance Local Law 2011;

2. Bush Fire Brigade Local Law 2011;
3. Cemeteries Local Law 2011;
4. Dogs Local Law 2011;
5. Fencing Local Law 2011;
6. Geraldton Airport 2011; and
7. Pest Plants Local Law 2011.

The following local laws are still to be reviewed by the Department of Local Government:

1. Activities in Thoroughfares and Public Places and Trading Local Law 2011;
2. Health Local Law 2011;
3. Local Government Property Local Law 2011; Parking and Parking Facilities Local Law 2011; and
4. Meeting Procedures Local Law 2011.

COUNCILLOR/OFFICER CONSULTATION:

A Consultant was employed to assist in this project and conducted a series of workshops with employees in June 2011. At these workshops each of the local law proposals were reviewed.

STATUTORY IMPLICATIONS:

Local Government (Constitutional) Regulations 1998, Regulation 7, provides that, although an order has abolished the former entities and created the new City, the local laws that applied in the former entities continue to apply in respect of the former districts until the local laws are repealed.

Section 3.12 of the Local Government Act outlines the procedure for making local laws which is broadly as follows:

1. the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
2. the City is to give State-wide public notice stating:
 - a. the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - b. a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - c. 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.
3. 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;
4. provide a copy of the proposed local law to any person requesting it;
5. at the close of submissions consider any submissions made and take into consideration any comments provided;
6. adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;

7. publish the local law in the *Government Gazette*;
8. 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;
9. after the local law has been published in the *Government Gazette* the local government is to give local public notice:
 - a. stating the title of the local law;
 - b. summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. advising that copies of the local law may be inspected or obtained from the local government's office.
10. 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 listed below together with their respective purpose and effect.

1. Activities in Thoroughfares and Public Place and Trading Local Law 2011

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.

2. Animals, Environment and Nuisance Local Law 2011

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.

3. Bush Fire Brigades Local Law 2011

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.

4. Cemeteries Local Law 2011

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.

5. Dogs Local Law 2011

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*.

6. Fencing Local Law 2011

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.

7. Health Local Law 2011

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.

8. Local Government Property Local Law 2011

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

Purpose:

To regulate the care, control and management of all property of the local government except thoroughfares.

Effect:

To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

9. Parking and Parking Facilities Local Law 2011

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

Purpose:

The purpose of this local law is to:

- a. constitute a parking region;
- b. enable the local government to regulate the parking of vehicles within the parking region; and
- c. provide for the management and operation of parking facilities occupied by the local government.

Effect:

A person parking a vehicle within the parking region is to comply with the provisions of this local law.

10. 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.

11. Meeting Procedures Local Law 2011

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

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 impacts associated with this matter.

Social:

There are no significant social impacts associated with this matter.

Environmental:

There are no environmental impacts associated with this matter.

Cultural & Heritage:

There are no cultural and heritage issues associated with this matter.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

The Chief Executive Officer has the Delegated Authority to enforce local laws.

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 in accordance with s.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 Commissioners.

Option 3:

That the Council of Commissioners by Simple Majority in accordance with s.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 the Commissioners.

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. Furthermore the City will take this opportunity to repeal all former local laws from the former City of Geraldton-Greenough, City of Geraldton, Shire of Greenough and Shire of Mullewa.

EXECUTIVE RECOMMENDATION:**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.

Part B

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

CC003 BUSH FIRE CONTROL OFFICER APPOINTMENTS

AGENDA REFERENCE:	D/11/01751
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	5 July 2011
FILE REFERENCE:	ES/3/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

To provide the Commissioners the opportunity to appoint Bush Fire Control Officers 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 provisions of this Act, and of those officers shall subject to section 38A 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 or have recently completed training to issue permits and their appointments have been endorsed by their respective bush fire advisory committees.

With the merging of the two local government authorities there can only be one Chief Bush Fire Control Officer. It is recommended that this role be designated to the Community Emergency Services Manager who is employed by both the City of Greater Geraldton and the Fire and Emergency Services Authority on a full time basis with an emphasis of overall leadership and control of local Bush Fire Brigades. The current controls of fire in within areas such as Mullewa will remain the same with the recommended Deputy Chief for prescribed areas having control of local Bush Fire. The Chief Bush Fire Control Officer will be supportive of these Officers.

COMMUNITY CONSULTATION:

The respective Bush Fire Advisory Committees have endorsed the appointments of the Bush Fire Control Officers. Once Council has endorsed

the appointment of the Bush Fire Control Officers, the names of the appointed Officers will be advertised.

COUNCILLOR/OFFICER CONSULTATION:

The following Council Officers have been consulted:

- Commissioner Nino Messina;
- Community Emergency Services Manager;
- Mullewa District Manager; and
- Coordinator Ranger Staff.

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 provisions of this Act, and of those officers shall subject to section 38A 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.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The net budgeted cost of a Community Emergency Services Manager to the City amounts to \$83,000 in 2011/12.

The net ESL operating grant (FESA) provided to the City to support the operations of the Bush Fire Brigade in 2011/12 is \$99,770. This funding is provided to the City on a quarterly basis.

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:

Whilst both the City of Greater Geraldton and the Shire of Mullewa Council have appointed Bush Fire Control Officers in the past, there are no other relevant precedents to this report.

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:

Absolute Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute 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. DEFER the item; and
2. MAKES the determination based on the reason:
 - a. To be determined by the Commissioners.

CONCLUSION:

The local government must appoint Bush Fire Control Officers including the positions of Chief and Deputy Chief Bush Fire Control Officers. It is because of this that there is no cause to provide a third option. The recommendations made previously by the respective Councils and Bushfire Advisory Committees are sound and the leadership to the Deputies and other Bush Fire Control Officers by the City Community Emergency Services Manager is

capable of ensuring an effective structure for the response to bush fires within the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:

That Council by Absolute 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. APPOINT the following Bush Fire Control Officers and positions:

Chief Bush Fire Control Officer

- Andrew Darbyshire and BFAC Representatives.

Deputy Chief Bush Fire Control Officers

- Nino Messina (Mullewa Bushfire Brigade);
- Craig Wing (Geraldton Greenough City Bushfire Brigade);
- 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;
- Vince Tropiano, Tardin;
- Paul Messina, Tenindewa North;
- Daniel Critch, Tenindawa 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;
- Charlie Murphy, Communications Base; and
- Steve Buscumb, Geraldton Works Crew.

Fire Control Officers for Permit Issuing Duties only

- Archie Brown (Ranger);
- David Geqwin (Ranger);
- Bill Currans (Ranger);
- Ben Tomasino (Ranger);
- Doug Brennan (Ranger);
- Cole Tanner (Ranger);

- Laarni Madison (Customer Service Officer);
- Alan Hughes (Customer Service Officer);
- Judy Clarke (Ranger);
- Johannes Muller (Administration Officer);
- Tom Hartman (Mullewa District Manager); and
- Konrad Seidl (Community Law and Safety Manager).

2. DELEGATE the authority to the Chief Executive Officer to vary appointments as required.

11.5 Reports of Community Infrastructure

Nil.

11.6 *Reports of Commercial Enterprises*

CE001	ACQUISITION OF LOT 9, VERITA ROAD, RUDDS GULLY, GERALDTON
AGENDA REFERENCE:	D-11-01206
AUTHOR:	B Robartson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director of Commercial Enterprises
DATE OF REPORT:	04 July 2011
FILE REFERENCE:	A63014
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

This report seeks Council approval to enter into a major land transaction to acquire 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 subdivision and eventual land sales of the balance of the land.

PROPONENT:

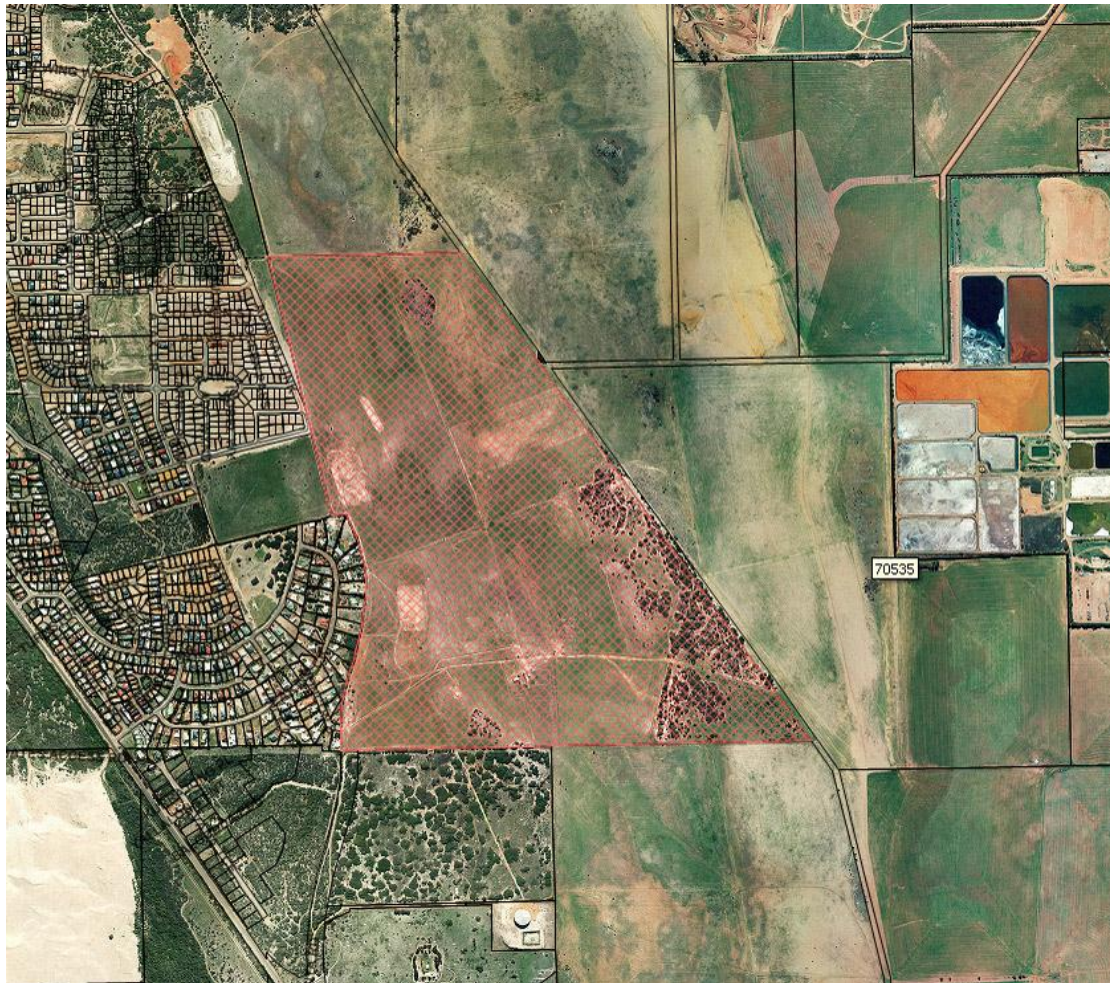
The proponent is City of Greater Geraldton.

BACKGROUND:

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 has a 1.5km frontage to the Verita Road in the south west; currently an unsealed track (portion of the reserve is within this landholding). Once extended and constructed to its ultimate standard, Verita Road will link Brand Highway in the south to the Narngulu Southern Transport Corridor in the north. The transport corridor is to provide the main east west connection between the Narngulu Industrial Estate in the east and Geraldton city centre and port in the west.

The City has expressed interest in the land and has made a conditional offer to purchase the land for the amount of \$4,500,000 plus GST. The conditions of the offer are subject to the requirements of Section 3.59 of the Local Government Act 1995.



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 at the same time 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.

Council at its meeting on the 14 April 2010 resolved pursuant to Section 3.58 of the Local Government Act 1995 (as amended) to:

1. *ADOPT* the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043 Olive Street, Mahomets Flats;
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.



COMMUNITY CONSULTATION:

There has been no community consultation. Community consultation will occur subject to section 3.59 of the Local Government Act should Council support this proposed major land transaction.

COUNCILLOR/OFFICER CONSULTATION:

Consultation with Chief Executive Officer and Director of Commercial Enterprises on the proposed land acquisition pertaining to land potential and conditional offer to purchase.

STATUTORY IMPLICATIONS:

In accordance with Section 3.59(2) and 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, a local government is to prepare a business plan. The business plan is to include an overall assessment of the major land transaction and is to include details or –

- a) *Its expected effect on the provision of facilities and services by the local government;*
- b) *Its expected effect on other persons providing facilities and services in the district;*
- c) *Its expected financial effect on the local government;*
- d) *Its expected effect on matters referred to in the local government's forward plan;*
- e) *The ability of the local government to manage the performance of the transaction; and*
- f) *Any other matter prescribed for the purpose of this subsection.*

The proposed Business Plan has been prepared and is attached.

The Local Government Act 1995 requires the local government to –

- a) Give State-wide public notice 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; and

- b) Make a copy of the business plan 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.

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 at the same time 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 City infrastructure and community projects.

Social:

There are no social impacts with this proposal.

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:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Absolute majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by 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.

Option 3:

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

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

CONCLUSION:

Should the City be successful with the acquisition of this land the proposed sub-division development across four stages, will deliver a significant positive cash flow, generating funds for investment by the City in essential infrastructure and community facilities.

In addition to the generation of funds, this proposed 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.

The proposed purchase is subject to the process specified in section 3.59 of the Local Government Act related to major land transactions, requiring development of a business plan and State-wide publication of intent to undertake the transaction, inviting public submissions. The necessary business plan has been prepared and, should Council support the proposal, will be made available to the public. In the event of receipt of any objecting submissions being received, the matter must be brought back to Council for determination.

EXECUTIVE RECOMMENDATION:

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

CE002 LEASE AGREEMENT – COURIER AREA - BREARLEY TERMINAL GERALDTON AIRPORT

AGENDA REFERENCE:	D-11-01209
AUTHOR:	L MacLeod, Land and Leasing Facilitator
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	04 July 2010
FILE REFERENCE:	PM/6/0006
APPLICANT / PROPONENT:	GH Country Courier
ATTACHMENTS:	No

SUMMARY:

The object of this report is to seek council's support to enter into a new lease agreement with GH Country Couriers for 78.5 square metres of office space at the Brearley Terminal for a period of five (5) years.

PROPONENT:

The proponent is GH Country Couriers.

BACKGROUND:

GH Country Couriers has been operating out of the Brearley Terminal at the Geraldton Airport since 2006 as they provide the service for Australian Air Express. As the business expanded, GH Country Couriers increased their lease area in the terminal. On 16 July 2009 a variation of lease was signed to increase the lease area to 74.5 square metres.

The current lease expires on 10 August 2011 and G.H Country Couriers have requested to enter into a new lease agreement for a term of five (5) years. Country Couriers are the agents for Air Express in Geraldton.

COMMUNITY CONSULTATION:

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

COUNCILLOR/OFFICER CONSULTATION:

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

STATUTORY IMPLICATIONS:

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

Section 3.58:

- (1) *In this section –*
 - “dispose”** includes to sell, lease, or otherwise dispose of, whether absolutely 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.*

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

A market valuation of the Brearley Terminal was conducted in February 2009 which established the lease fee for office space at \$170.00 per square metre per annum plus GST. Pursuant to Section 3.58(4)(c)(ii) of the Local Government Act 1995, a lease fee may be declared by a resolution of the local Government on the basis of a valuation carried out more than 6 months before the proposed disposition.

Therefore the lease fee based on \$170.00 per square metre per annum for an area of 74.5 square metres would equate to \$12,665 per annum plus GST.

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

Key Result Area 3: Opportunities for Prosperity.

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

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

Regional Outcomes:

There are no regional outcomes.

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

There are no economic impacts with this proposal.

Social:

There are no social impacts with this proposal.

Environmental:

There are no environmental impacts with this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REJECT this item;
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 3.58 of the Local Government Act 1995 RESOLVES to:

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

CONCLUSION:

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

EXECUTIVE RECOMMENDATION:

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

1. GIVE local public notice of the intent to enter into a lease agreement with GH Country Couriers for 74.5 square metres of office space in the Brearley Terminal located at the Geraldton Airport being part of Lot 363 Geraldton Mount Magnet Road, Moonyoonooka for a period of five (5) years;
2. MAKE the determination subject to:
 - a. advertising notice period of no less than two weeks inviting public submissions; and
 - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. SET the proposed conditions as:
 - a. enter into a lease agreement for a period of five (5) years with GH Country Couriers;
 - b. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;
 - c. the lessee being responsible for separately paying all applicable rates, taxes and other utilities;
 - d. any costs associated with the preparation and execution of the lease extension document will be borne by the lessee;
4. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

CE003 AIRPORT MASTER PLAN PROGRESS & ADDITIONAL WORK

AGENDA REFERENCE:	D-11-01210
AUTHOR:	B Davis, Director Commercial Enterprises
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	04 July 2011
FILE REFERENCE:	TT/3/0001
APPLICANT / PROPONENT:	N/A
ATTACHMENTS:	No

SUMMARY:

The object of this report is to update Council on progress with the review and update of the Geraldton Airport Master Plan, and seek authorisation from Council to expend additional funds to enhance the current review and update process to include an airport valuation, and an assessment of air services growth potential and airlines incentives options.

PROPONENT:

This is a City initiative.

BACKGROUND:

During 2010-11, a project was initiated to review and update the Geraldton Airport Master Plan.

Progress with the review and update project to 30 June 2011 is as follows:

- A preliminary draft new airport master plan was prepared by the consultants, and examined by senior City staff. In early June 2011, comments and suggestions for additions/changes were returned to the consultant for amendment of the draft. Timing of the process has allowed inclusion of additional information about the design of the land-side technology park, flowing from work being separately undertaken and not available to the Master Plan consultant when the review and update project was initiated.
- Noise assessments and mapping have been conducted in relation to the development scenario of a new 2600m airstrip (as previously agreed by Council when authorising the procurement of additional land for the airport during 2010-11) with B787 aircraft designated as the 'design aircraft'.
- Obstacle height limitation surveys have been conducted in relation to the development scenario for a new 2600m airstrip parallel to the existing runway.
- For the purposes of future-proofing airport development and operations, additional noise assessments and obstacle height limitation survey work is now in progress for an additional development scenario envisaging up to a 3500m airstrip and operations of large wide bodied aircraft. The intention is to utilise the noise profile and obstacle height limitation survey maps for this development scenario as the basis for incorporating noise and obstacle height limitation buffers as appropriate into City planning schemes, to protect the airport from encroachment

by future development. Completion of the 3500m scenario work is anticipated before the end of July 2011.

- Incorporation of the 3500m airstrip noise and obstacle heights information into the draft Master Plan document should enable finalisation of the working draft, for further consideration by City officers.
- Following final review by City officers, the draft will be submitted to Council for endorsement for the purposes of release, inviting public comment, and for further consultation with Airport stakeholders. A minimum period of two months is envisaged for this consultation phase.
- After the public comment and consultation process, the proposed Master Plan will be put to Council for formal adoption.

As a standard part of Airport Master Plan review and update processes, the standard and capacity of airport facilities is reviewed and compared with industry capacity/capability benchmarks, in the context of current activity data and trends, and forecast airport activity levels. Data on aircraft movements and schedules, and passenger numbers, informs this process. As well, intentions of existing and potential passenger carriers are canvassed. New business potential (for example air freight) is also considered. The process identifies airside facility development needs (such as apron areas, aircraft refuelling capabilities and so on) and future capacity and development needs for the Terminals – in this case covering both RPT and GA operations.

Geraldton Airport - Changing Operational Context

During 2010-11, as a result of the State Government Air Services review, Geraldton Airport was made an unregulated airport. This allows competition between airlines in provision of RPT services. Up to the time of deregulation, Geraldton was serviced exclusively by Skywest. Other RPT airlines are now able to offer services through Geraldton.

Additionally, during 2010-11, with Federal and State financial assistance, the City invested in extension of the terminal building to create a new secure departures lounge, and installation of baggage and passenger security screening. The City is designated as the security screening authority, with Skywest selected to operate the security screening services, providing personnel to utilise the City-owned screening facilities. This enables the Geraldton airport to be utilised by RPT aircraft with MTOW exceeding 20,000kg – essentially Jet RPT services. The current runway and taxiways are capable of handling A320 class jet aircraft.

The first jet aircraft passenger services commenced in June 2011, with Skywest introducing weekly Perth-Geraldton services utilising F100 aircraft to replace some F50 services. Geraldton-Bali services have also commenced, with return from Bali via Port Hedland to utilise their international gateway services.

To encourage early introduction of Jet RPT services, the City provided limited incentives to Skywest, and limited assistance for the initial period of operation of the necessary security screening services.

Industry experience elsewhere indicates that airlines investigating the feasibility of introducing new services through a particular airport can be expected to seek financial and/or other incentives from airport owners to commence new services.

The airlines argue that provision of additional and alternative RPT passenger services adds competition into airport traffic, enhancing service frequency, and providing schedule options for travellers. Airlines argue that the competition between airlines provides potential to drive down air fares for the local community, and stimulates tourism/recreational air travel, to benefit local economies. On those bases, they seek incentives to introduce the new services.

In particular, airlines seek incentives (generally related to reduction of landing fees, passenger service fees, terminal space rental costs etc) during the initial route development period for the proposed new services by their airline.

As an incentive for *subsequent* route packaging and promotion activities, airlines may also seek performance-based incentives, via agreements to reduce aircraft landing and passenger service fees if/when future passenger growth targets are achieved. In circumstances where a new airline seeks to provide services through an airport where another airline already operates (which is the case in Geraldton), consideration of any future performance-based incentives by the airport owner cannot be confined to only the new airline seeking entry to provide RPT services, but must extend to the existing RPT services provider – else the airport owner may be in breach of Competition principles. A level playing field must be maintained.

Thus – simply to illustrate – if one airline seeks a route development incentive of 10% reduction of aircraft landing fees if/when RPT passenger numbers grow from 100,000pa to 130,000pa, and 20% reduction if passenger numbers achieve 150,000pa - then the airport owner is obliged to consider offering the incentive to **all** airlines providing RPT services through their port, not just to the new market entrant.

Preliminary approaches have been received from other airlines exploring possible introduction of passenger services through Geraldton, in competition with Skywest. The approaches canvas broad ambit claims for incentives desired by the airlines.

In the process of negotiation with airlines, the airport owner is not made privy to the modelling of passenger capture and growth forecasts applied in commercial feasibility assessments utilised by the airlines in their decision making processes, when appraising possible introduction of new services. Airline studies logically include assessments of impacts on services of the existing passenger services provider, dependent upon the extent to which the initial period of entry of an additional airline will see substitution by passengers between new services and existing services. Hence their modelling is kept strictly confidential, in their commercial interests.

In the absence of independent assessments of passenger growth and new connection/route development potential, the City is disadvantaged in the negotiation process by being unable to test the reasonableness of incentive expectations canvassed by airlines, against likely passenger activity levels.

As well, the City is unable to properly assess the likely financial impacts of a particular incentives package associated with introduction of new competing services. Hence, there are risks inherent in the negotiation process. On one hand, it is arguably in the interests of the regional economy and the local community to attract additional airlines services, so a reasonable level of incentives may be justifiable on both economic and social grounds; but on the other hand, going too far with incentives would effectively subsidise the commercial returns of the airlines at the cost of ratepayers, and could jeopardise the achievement of necessary returns on airport investment.

Competition between multiple RPT services airlines through an airport adds a new dimension to the business planning process required of airport owners. By their nature, RPT airports are natural monopolies, with potential for airport owners to exert monopoly powers to achieve 'excessive' profits. The application of competition principles thus extends beyond the need to provide a level playing field for the competing airlines, also embracing reasonable limits on pricing (e.g. via landing and passenger services fees) to control monopoly power excesses.

As is the case with other monopolies (including for example State owned monopolies covering electricity and water supply, and commercially owned utilities such as the Dampier-Bunbury gas pipeline), one key pricing/profit control is application of a limit on return on investment (ROI), to avoid monopoly power excesses. The Economic Review Authority plays a direct independent role in appraising matters such as utility infrastructure asset access pricing, as a control over potential monopoly excesses.

No such State mechanisms exist in relation to regional airport services pricing in WA. However, for capital city airports owned by the Commonwealth, and for which long-term leases to private operators are in place, a formal competition principles regime is in place that includes ROI limits. Technically, the capital city airports regime does not apply to and is not enforceable on regional airports owned and operated by Councils. But, based on the experience in recent years by other regional airport owners, in dealing with regional airport owners, major airlines do attempt to leverage the capital cities airports regime, to pressure regional airport owners to reduce fees and charges, arguing that the same ROI rules applying to capital city airports should apply to regional airports.

Need for Commercial Governance and Business Models

The business and operational context of Geraldton Airport is changing rapidly. It is no longer a bush town aerodrome. It is a significant business operation. Opening Geraldton Airport to competition between major RPT carriers, the anticipated introduction of services bypassing Perth for connections to the

East Coast, introduction of International passenger services, and the real prospect of Geraldton becoming an air freight hub, with potential to take air movements pressure off Perth airport, all require application of new commercial disciplines.

If population projections for the Mid West transpire, substantial new investment in the airport will be essential. That has been recognised in the Mid West Investment Plan, recently published by the Mid West Development Commission, with airport projects, including the new airstrip and terminal developments, explicitly identified as essential flagship projects, to which the State will commit capital funds. Migration to a commercialised business model, with the City as owner, but with introduction of governance and business management models more appropriate to a real commercial business entity, consistent with national best practice models, is inevitable. Best practice regional airport governance and management models in the airports industry, such as Mildura Airport, are being examined accordingly, to determine options for adaption to the Geraldton context, within the unique constraints (relative to other States) of WA Local Government legislation.

Submissions will be put to Council on a proposed governance and management model for Geraldton Airport during 2011-12.

Additional Work Required – Airport Master Plan & Business Plan

For the purposes of the Airport Business Plan, associated with development of the Airport Master Plan, two areas of additional work are now required:

- A valuation of the Airport asset, for determining reasonable levels of return on investment, to inform setting of prices/fees/charges; and
- An assessment of air services growth potential and potential airline incentives models

Airport valuation: Regardless of whether the ROI-limit model discussed above applies to Geraldton airport, it would clearly be in the City interests to commission a valuation of the Airport as an asset, to inform future settings of fees and charges by Council, and to inform our impending commercial negotiations with airlines.

Valuation of airports as Assets and Going Concerns is a specialist field, and provision of funds of the order of \$10,000 is envisaged necessary to commission the necessary valuation and associated report.

Growth Potential & Incentives Models: Confronted with approaches from airlines canvassing incentive options, to mitigate the risks, and provide a foundation for properly considered appraisal of options, it is considered essential that the City commissions an independent assessment of likely air services and passenger activity levels, with appropriate forecasts.

To commission the scope of work outlined below, provision of funds in the order of \$25,000 is envisaged necessary.

An independent assessment is proposed of the viability or otherwise of competing/additional air services between Perth and Geraldton, and opportunities for additional air services to other ports including Karratha, Port Hedland and Kalgoorlie. The market assessment would also include appraisal of the potential demand for air freight services, and the potential use of Geraldton airport as an alternate bad-weather landing site to Perth (potentially saving carriers need for hauling significant fuel weight, for current alternates), and potential as a site for long haul refuelling rather than utilising Perth.

The scope envisaged for the proposed independent assessment would also include:

- Review options for possible incentives for carriers providing additional growth to the airport for existing and new services, such as the following types of measures (but not limited to):-
 - a. Landing charges and/or passenger levy discounts (or waivers) for new routes;
 - b. Landing charges and/or passenger service fee discounts for growth to particular target levels;
 - c. Landing charges and/or passenger service fee discounts for airfares set by airlines at heavily discounted rates; and
 - d. Landing charges and/or passenger service fee discounts for airfares set at heavily discounted holiday package rates (e.g. weekend stay-over, with packaged return flight with 2 nights accommodation).
- Assessment of the potential benefits (in terms of visitor spend and additional airline activity based revenue) against potential costs of airport development initiatives.
- Provision of a report which can be used and provided as an open document to all airlines, to assist the City in attracting additional capacity and markets to Geraldton airport.

COMMUNITY CONSULTATION:

As part of the Airport Master Plan review and update process, during the 2010-11 financial year information and discussion sessions were held with Airport stakeholders. Information gained from those sessions has informed the review process.

Further consultation with airport stakeholders and the community will occur after a draft proposed new master plan is endorsed for that purpose by Council. This will occur during the July-September period.

COUNCILLOR/OFFICER CONSULTATION:

Councillors were invited to participate in the Airport stakeholder information and discussion sessions, run by the consultants undertaking the Master Plan review and update process. A number of Councillors chose to attend and participate. Further consultation will occur as the process progresses.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

No provision was made in the 2011-12 Budget for proposed extensions to the airport master plan and business plan work. The proposals outlined above arose from changes in City circumstances emerging after the process of preparing the draft budget for 2011-12.

The Executive Recommendation thus seeks Council approval of amendments to the 2011-12 Budget, with additional allocations from the Airport Reserve of:

- \$10,000 to commission a commercial valuation of the Airport, and
- \$25,000 to commission additional studies related to air services growth and models for potential airline incentives programs.

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

Key Result Area:	Opportunities for Prosperity.
Outcome 3.1:	Geraldton as the major logistics hub of WA.
Strategy 3.1.4:	Improve linkages nationally through standard gauge rail to Perth and the national network and the upgrade of the Airport to international capacity.
Outcome 3.3:	Geraldton as a leading regional destination
Strategy 3.3.4:	Facilitate the development of tourism capacity and product.
Outcome 3.4:	Geraldton as a major industry and technology centre.
Strategy 3.4.2:	Develop Geraldton Airport and the Geraldton Universities Centre technology and enterprise precincts.

Regional Outcomes:

There are no immediate regional outcomes. However, looking forward, development of a framework for attracting and facilitating expansion and diversity in airline passenger services through Geraldton, and development of Geraldton as a travel destination, will enhance the role of Geraldton Airport as the air transport hub for the Mid West, and will stimulate related economic activity in the services and tourism industries.

The recent study of Geraldton-based commercial organisations already or

potentially providing FIFO professional and technical services into the Pilbara illustrates the growing demand for enhanced air services. The potential for Geraldton as a home base for FIFO employees of Pilbara and Kimberley resource industry companies – as a more environmentally, socially and economically sustainable model than flying workers from the east coast or the south west – relies on enhancing the capacity of the airport for growth in both charter and RPT services, and developing diversity and extension of carrier services.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no immediate economic impacts from this proposal, other than as noted under Regional Outcomes above.

Social:

There are no immediate social impacts from this proposal.

Environmental:

There are no immediate environmental impacts from this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are no directly relevant precedents associated with airport master planning processes.

There are a significant number of precedents in past years of Council authorising unbudgeted expenditures and amending the Budget accordingly, to meet City needs emerging within a financial year, pursuant to Section 6.8 of the Local Government Act 1995.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Absolute majority is required to amend the budget and authorise the additional expenditure proposed.

OPTIONS:

Option 1:

As per the Executive Recommendation in this report.

Option 2:

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

1. NOTE the progress to date of the Geraldton Airport Master Plan and Business Plan review and update process;
2. REJECT the proposal to provide additional funds from the Airport Reserve to extend the work of the airport master plan and business plan review and update process to include an airport valuation, and an assessment of air services growth potential and airlines incentive package options; and
3. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Support for Option 1, the Executive recommendation, will enable conduct of additional work associated with the review and update of the Geraldton Airport Master Plan and Business Plan, made necessary by the rapidly changing commercial and operational context of the airport.

EXECUTIVE RECOMMENDATION:

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

1. NOTE the progress to date of the Geraldton Airport Master Plan and Business Plan review and update process;
2. AMEND the 2011-12 City Budget to make provision for the following additional expenditures from the Airport Reserve:
 - a. \$10,000 for the conduct of a valuation of the Geraldton Airport as a Going Concern and as an Asset of the City; and
 - b. \$25,000 for the conduct of an assessment of air services growth potential and airlines incentive package options; and
3. AUTHORISE the Chief Executive Officer to commission the additional studies and include the outcomes in the Geraldton Airport Master Plan and Business Plan and related reports to be submitted to Council by September 2011.

CE004	FUNDING ALLOCATION FULL CONSTRUCTION DESIGN SPECIFICATIONS FOR NEW RUNWAY AT GERALDTON AIRPORT
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AGENDA REFERENCE:	D-11-01225
AUTHOR:	B Urquhart, Manager Geraldton Airport
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	4 July 2011
FILE REFERENCE:	TT/1/0006
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

An amendment is requested to the 2011-12 City of Greater Geraldton budget to bring forward capital funds of \$240,000 (ex GST) from the Airport Reserve for the purposes of matching a \$240,000 (ex GST) State Government Regional Airports Development Scheme (RADS) grant to provide full construction design specifications for new runway development at Geraldton Airport.

This design work was originally scheduled in forward capital estimates for 2013-14, but the City was only advised on 21 June 2011 that a RADS grant had been approved, conditional upon the work being completed by 16 May 2012. There was no time available to amend the proposed City Budget before it was submitted to the City of Geraldton-Greenough Council for endorsement for later submission to Commissioners for adoption. To enable take up of the RADS grant in 2011-12, matching funds must be provided by the City during 2011-12.

PROPONENT:

The proponent is City of Greater Geraldton

BACKGROUND.

During 2010, a project was initiated to review and update the Geraldton Airport Master Plan. Recommendations from the preliminary draft Airport Master Plan include the development of a new runway of 2600m, with buffer protection areas to be based on a 3500m runway for the purposes of future-proofing airport development and operations.

During 2010-11, to ensure availability of land to enable implementation of the concept design for a 2600m runway, the City of Geraldton-Greenough Council authorised purchase of additional land to the south of the existing runway, sufficient to accommodate a new 2600m runway to be constructed parallel to the existing runway.

That acquisition has progressed, with settlement now pending final approval by the WAPC of necessary subdivision by the land owner, and issue of title on the land.

The development of a new runway to enable larger aircraft operations through Geraldton is identified as a Flagship project in the Mid West Investment Plan recently published by the Mid West Development Commission, and eligible for funding under the four year program administered under the Minister for Regional Development and Lands.

As part of the review and update of the Geraldton Airport Master Plan, initiated in 2010, subsequent to the conceptual design for a 2600m runway, further work has progressed, identifying further detail of taxiway and apron developments. The City does not anticipate any significant changes to the 2600m runway concept designs submitted to date, beyond provision for future extension to 3500m, and provision for separate future development of an air freight apron and terminal area. The Master Plan update process is anticipated to be completed before September 2011.

To access funding associated with Flagship projects identified in the Mid West Investment plan, and potential access to any additional support that may be available from Federal programs, the City must have 'shovel-ready' projects. For the proposed new runway project, with concept design done during the Master Plan review process, what is now required is development of the detailed engineering design and construction specifications, and detailed cost estimates.

Acceptance of the RADS grant is conditional upon work completion by 16 May 2012. Significant time will be necessary to undertake the engineering design and specification work for what will be a major project. Given likely costs of the design consultancy work, it will be necessary to call tenders to undertake the work, and there will be an elapse time typically between 8-12 weeks for the tender submission, evaluation and contract awarding process. That will leave a narrow time window to actually undertake the engineering design work – to be completed by 16 May 2012. Hence it is imperative to initiate preparation of the tender specifications for the engineering design work at the earliest possible time.

Estimated cost of engineering design and other technical consultants to undertake this work is \$480,000, half of which is now approved as a RADS grant from the State, the other half to be provided from City resources. To accept the RADS grant, the City must allocate the funds in 2011-12. It is proposed that funds be provided from the Airport Reserve. That will require Council authorisation in accordance with section 6.8 of the Local Government Act.

COMMUNITY CONSULTATION:

As part of the Airport Master Plan review and update process, during the 2010-11 financial year information and discussion sessions were held with Airport stakeholders. Discussions included the development of a new runway. Further consultation with airport stakeholders and the community will occur after the draft proposed new master plan is endorsed for that purpose by Council. This will occur during the July-September period.

COUNCILLOR/OFFICER CONSULTATION:

Councillors were invited to participate in the Airport stakeholder information and discussion sessions, run by the consultants undertaking the Master Plan review and update process. A number of Councillors chose to attend and participate. Further consultation will occur as the Master Plan process progresses.

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 provision for full construction design specifications for a new runway at Geraldton Airport was made in the forward estimates for the 2012-13 budget. Due to the approval of grant funding from the Regional Airports Development Scheme the funding is now required in the 2011-12 financial year.

Funding is available from the Airports Reserve. This submission seeks Council approval of an amendment to the 2011-12 Budget for the allocation of \$240,000(ex GST) from the Airport Reserve for full construction design specifications for a new runway at Geraldton Airport.

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

Key Result Area 3: Opportunities for Prosperity.

Outcome 3.1: Geraldton as the major logistics hub of WA.

Strategy 3.1.4: Improve linkages nationally through standard gauge rail to Perth and the national network and the upgrade of the Airport to international capacity.

Outcome 3.3: Geraldton as a leading regional destination

Strategy 3.3.4: Facilitate the development of tourism capacity and product.

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

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

Regional Outcomes:

There are no immediate regional outcomes. However, looking forward, development of a framework for attracting and facilitating expansion and

diversity in airline passenger services through Geraldton, and development of Geraldton as a travel destination, will enhance the role of Geraldton Airport as the air transport hub for the Mid West, and will stimulate related economic activity in the services and tourism industries.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no immediate economic impacts from this proposal, other than as noted under Regional Outcomes above.

Social:

There are no immediate social impacts from this proposal.

Environmental:

There are no immediate environmental impacts from this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are a significant number of precedents in past years of Council authorising unbudgeted expenditures and amending the Budget accordingly, to meet City needs emerging within a financial year, pursuant to Section 6.8 of the Local Government Act 1995.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Absolute majority is required to amend the budget and authorise the additional expenditure proposed.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. NOTE the offer of \$240,000 grant funding from the State Government Regional Airports Development Scheme (RADS), for the design of a new runway for Geraldton Airport within the 2011-12 financial year, and requiring matching funds from the City;
2. DECLINE to accept the \$240,000 RADS grant in 2011-12.

3. REJECT the proposal to provide \$240,000 additional funds from the Airport Reserve in 2011-12 to develop the design specifications for the Airport Runway Development project; and
4. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Support for Option 1, the Executive recommendation, will enable the development of design specifications for a new runway at Geraldton Airport made necessary by the rapidly changing commercial and operational context of the airport. The detailed engineering design specifications and related construction cost estimates will make the new runway construction project 'shovel-ready' and thus eligible for consideration for funding support under State and Federal programs.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE allocation during 2011-12 of \$240,000 from the Airport Reserve for the purposes of development of full engineering design and construction specifications and cost estimates for a new runway at Geraldton Airport;
2. AUTHORISE the Chief Executive Officer to accept the offer of \$240,000 (excluding GST) from the State Government Regional Airports Development Scheme in 2011-12 for the purposes of development of full engineering design and construction specifications and cost estimates for a new runway at Geraldton Airport, by or before 16 May 2012; and
3. AUTHORISE the Chief Executive to approve expenditure in 2011-12 of up to \$480,000 for the purposes of development of full engineering design and construction specifications and cost estimates for a new runway at Geraldton Airport.

CE005 RFT 41/1011 – DESIGN AND CONSTRUCTION OF A MAINTENANCE EQUIPMENT STORAGE SHED. GERALDTON AIRPORT
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AGENDA REFERENCE:	D-11-01590
AUTHOR:	G Alexander, Major Projects
EXECUTIVE:	B Davis, Director Commercial Enterprise
DATE OF REPORT:	1 July 2011
FILE REFERENCE:	PM/ 4/ 0023
APPLICANT	City of Greater Geraldton
ATTACHMENTS:	Yes (1x Confidential)

SUMMARY:

This report seeks Council approval for the appointment of Skyrail Asset Pty Ltd trading as AUSSIE SHEDS to design and construct a maintenance equipment storage shed at the Geraldton Airport.

PROPONENT:

City of Greater Geraldton

BACKGROUND:

Upgrading of the Airport car parking areas requires removal of the current maintenance equipment storage shed (located in the area between the Greenough terminal car park, and the Brearley terminal car park), and construction of a new shed. A structure larger than the existing shed is required, and will be located in the vicinity of the old Air Services building to the north of the Brearley terminal.

The City issued a Request for Tender (RFT) for the purpose of identifying and securing the professional services of a suitably qualified and experienced builder to undertake the design and construction of a storage shed at Geraldton Airport.

Three tenders were received.

COMMUNITY CONSULTATION:

There has been no community consultation on this issue.

COUNCILLOR/OFFICER CONSULTATION:

There has been no Councillor/Officer Consultation on the issue.

STATUTORY IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Planning approval required.

FINANCIAL AND BUDGET IMPLICATIONS:

Budget provision of \$150,000 has been made for the expenditure in 2011/12. The proposed price is within the allocated budget.

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

Key Result Area: Opportunities for Lifestyle

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

Regional Outcomes:

The continued and efficient servicing and maintenance of the airport is crucial to the economy and image of the City. The provision of a replacement and modern shed combined with various other proposed initiatives will greatly assist the airport maintenance staff in their general routine.

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

There are no economic issues involved with the Item.

Social:

There are no social issues involved with the Item.

Environmental:

There are no environmental issues involved with the Item.

Cultural & Heritage:

There are no cultural or heritage implications. The proposed site of the new shed does not impinge on any heritage areas within the airport precinct.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority for this item.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to s.3.57of the Local Government Act 1995 (as amended) RESOLVES to:

1. AWARD RFT 41/1011 Design and Construction of a Maintenance Equipment Storage Shed to an alternate provider being (to be determined by Council); and

2. RECORD the tender amount in the minutes.

Option 3:

That Council by Simple Majority pursuant to s.3.57of the Local Government Act 1995 (as amended) RESOLVES to:

1. REJECT all tenders;
2. RECALL tenders; and
3. MAKES the determination on the grounds that none of the expressions of interest/tender provide value for money.

Option 4:

That Council by Simple Majority pursuant to s.3.57of the Local Government Act 1995 (as amended) RESOLVES to:

1. DEFER the item; and
2. MAKES the determination on the grounds that Council requires further time and consideration of additional information prior to making a decision.

CONCLUSION:

The evaluation panel members have unanimously agreed on and recommend the submission by AUSSIE SHEDS as being the most cost effective and beneficial to the City of Greater Geraldton. Aussie Sheds satisfies the various selection criteria and the company has clearly demonstrated its ability to deliver the required services in a timely manner and within the proposed budget.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to s.3.57of the Local Government Act 1995 (as amended) RESOLVES to:

1. AWARD RFT 41/1011 for the Design and Construction of a Maintenance Equipment Storage Shed to SKYRAIL ASSET PTY LTD trading as AUSSIE SHEDS; and
2. RECORD the tender amount in the minutes.

11.7 Reports to be Received

REPORTS TO BE RECEIVED	
AGENDA REFERENCE:	D-11-01845
AUTHOR:	A Brun, Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	GO/0028
DATE OF REPORT:	6 July 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:

CS013	Accounts paid under CEO delegation for June 2011 for the City of Geraldton-Greenough
CE006	Bright Stars Family Day Care Managers Report June 2011
SCDA054	Delegate Approvals & Subdivision Applications

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:

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

- 12 COMMISSIONERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

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

- 15 CLOSURE**

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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

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

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

STANDING ORDERS LOCAL LAW 2007

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

PART 1-PRELIMINARY

1.1 Citation

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

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

1.2 Application

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

1.3 Interpretation

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

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

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

"**committee**" means a committee of Council described in section 5.9 of

the Act and appointed under section 5.10 of the Act;

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

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

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

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

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

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

1.4 Repeal

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

PART 2-BUSINESS OF THE MEETING

2.1 Business to be specified on notice paper

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

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

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

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

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

2.2 Order of business

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

(a) Declaration of opening;

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

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

(d) Public question time;

(e) Applications for leave of absence;

(f) Petitions, deputations or presentations;

(g) Declarations of conflicts of interest;

(h) Confirmation of minutes of previous meetings;

(i) Announcements by presiding member without discussion;

(j) Reports of committee and officers;

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

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

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

(n) Closure of meeting.

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

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

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

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

2.3 Public question time

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

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

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

2.4 Petitions

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

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

of councillors for a district or ward.

2.5 Deputations

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

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

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

(a) is not to exceed three persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and

(b) is not to address the Council or committee for a period exceeding 10 minutes without the agreement of the Council or the committee as the case requires.

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

2.6 Confirmation of minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for

confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to –

- (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

2.7 Announcements by the presiding member without discussion

- (1) At any meeting of the Council or a committee the presiding member may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the presiding member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

2.8 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.

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

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

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

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

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

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

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

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

(3) Every question and answer is to be submitted as briefly and concisely as possible and no

discussion is to be allowed thereon, unless with the consent of the presiding member.

2.10 Urgent business approved by the presiding member or by decision

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

2.11 Matters for which meeting may be closed

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

PART 3-PUBLIC ACCESS TO AGENDA MATERIAL

3.1 Inspection entitlement

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

3.2 Confidentiality of information withheld

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

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

be considered separately in full Council."

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

Penalty \$5,000

PART 4-DISCLOSURES OF CONFLICTS OF INTERESTS

4.1 Separation of committee recommendations

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

4.2 Member with an interest may ask to be present

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

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

4.3 Member with an interest may ask permission to participate

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

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

4.4 Invitation to return to provide information

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

4.5 Disclosures by employees

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the

employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

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

PART 5-QUORUM

5.1 Quorum to be Present

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

5.2 Loss of quorum during a meeting

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

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

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

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

(b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of up to thirty minutes, and if a quorum is not present at the end of that time, the meeting

is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

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

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

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

PART 6-KEEPING OF MINUTES

6.1 Content of minutes

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

6.2 Preservation of minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the State Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance

with the retention and disposal policy determined by that office from time to time.

PART 7-CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 Official titles to be used

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

7.2 Members to occupy own seats

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

7.3 Leaving meetings

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

7.4 Adverse reflection

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

(2) No member of the Council or a committee is to use offensive or objectionable expressions in

reference to any member, employee of the Council, or any other person.

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

7.5 Recording of proceedings

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

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

7.6 Prevention of disturbance

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

Penalty \$1,000

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

Penalty \$1,000

(3) Members and members of the public are not to use or have turned on mobile phones or paging

devices without the approval of the presiding member.

PART 8-CONDUCT OF MEMBERS DURING DEBATE

8.1 Members to indicate they wish to speak

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

8.2 Priority

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

8.3 The presiding member to take part in debates

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

8.4 Relevance

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

8.5 Limitation of number of speeches

No member of the Council is to address the Council more than

once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

8.6 Limitation of duration of speeches

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

8.7 Members not to speak after conclusion of debate

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

8.8 Members not to interrupt

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

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

8.9 Re-opening discussion on decisions

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

PART 9-PROCEDURES FOR DEBATE OF MOTIONS

9.1 Motions to be stated

Any member of the Council or a committee who moves a substantive motion or amendment

to a substantive motion is to state the substance of the motion before speaking to it.

9.2 Motions to be supported

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

9.3 Unopposed business

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

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

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

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

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

9.4 Only one substantive motion considered

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

9.5 Breaking down of complex questions

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

9.6 Order of call in debate

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

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to, or reserve the right to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

9.7 Member may require questions to be read

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

9.8 Consent of member required to accept alteration of wording

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

9.9 Order of amendments

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

amendment has been withdrawn or lost.

9.10 Amendments must not negate original motion

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

9.11 Substantive motion

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

9.12 Withdrawal of motion and amendments

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

9.13 Limitation of withdrawal

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

9.14 Personal explanation

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the

observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

9.15 Personal explanation - when heard

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

9.16 Ruling on questions of personal explanation

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

9.17 Right of reply

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

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

9.18 Right of reply provisions

The right of reply is governed by the following provisions:

(a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

(b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;

(c) the mover of any amendment does not have a right of reply;

(d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

9.19 En bloc motions

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

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

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

PART 10-PROCEDURAL MOTIONS

10.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a

substantive motion, it is permissible for a member to move the following procedural motions:

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

10.2 No debate on procedural motions

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

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

10.3 Procedural motions - closing debate - who may move

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

10.4 Procedural motions - right of reply on substantive motion

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

PART 11-EFFECT OF PROCEDURAL MOTIONS

11.1 Matter be moved back to committee – effect of motion

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

11.2 Council move to committee – effect of motion

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

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

The motion "that the Council (or committee) proceed to the next business", if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made

on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

11.4 Question to be adjourned - effect of motion

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

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

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

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

(1) The motion "that the Council (or committee) now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

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

- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
- (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

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

11.6 Question to be put - effect of motion

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

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

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

11.7 Member to be no longer heard - effect of motion

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

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

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

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

(1) Subject to any deferral under clause 2.11 or other decision of

the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.

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

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

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

Penalty \$5,000

11.10 Question - when put

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

11.11 Question - method of putting

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

PART 12-MAKING DECISIONS

12.1 Question – when put

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

12.2 Question – method of putting

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

PART 13-IMPLEMENTING DECISIONS

13.1 Implementation of a decision

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

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

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

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

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

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given:-

(a) action has been taken to implement the decision; or

(b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so; without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

(4) Where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to the Committee whose responsibilities include Finance, unless by absolute majority or Council resolves otherwise.

(5) If new written information is introduced at a meeting which materially affects an item of business to which a recommendation of any Committee has been made, then that item of business shall be referred back to the Committee for further investigation, unless by absolute majority Council decides otherwise.

PART 14-PRESERVING ORDER

14.1 The presiding member to preserve order

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

14.2 Demand for withdrawal

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

14.3 Points of order - when to raise - procedure

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

14.4 Points of order - when valid

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

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

14.5 Points of order - ruling

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

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

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

14.7 Points of order take precedence

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

14.8 Precedence of presiding member

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

Penalty \$500

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

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

(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption,

debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

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

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

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

PART 15-ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

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

15.2 Limit to moving adjournment

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

15.3 Unopposed business - motion for adjournment

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

15.4 Withdrawal of motion for adjournment

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

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

15.5 Time to which adjourned

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

PART 16-PRESENTATION OF COMMITTEE OR OFFICER REPORTS

16.1 Reports of committees - questions

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

16.2 Permissible motions on recommendation from committee

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

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

16.3 Standing orders apply to committees

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

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

PART 17-ADMINISTRATIVE MATTERS

17.1 Suspension of standing orders

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

17.2 Cases not provided for in standing orders

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

PART 18-COMMON SEAL

18.1 The Council's common seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on

the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor and the CEO or a senior employee authorised by him or her.

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

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

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

Penalty \$1,000

Dated: 27 November 2007

The Common seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of:
 IAN CARPENTER, Mayor
 GARY BRENNAN, Chief Executive Officer