



ORDINARY MEETING OF COUNCIL
AGENDA

18 DECEMBER 2018

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 18 DECEMBER 2018 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

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

1 DECLARATION OF OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Cr R Hall*

**Noted as an apology until Leave of Absence is approved.*

B Davis, Director of Corporate and Commercial Services

Leave of Absence:

Cr T Thomas

4 DISCLOSURE OF INTERESTS

CEO Ross McKim declared a Financial Direct interest in Item CCS390 Annual CEO Performance Review as the report involves Council deliberation on his performance as CEO for the 2017-18 Financial Year.

Cr S Elphick declared a Financial Indirect interest in Item DCS396 Proposed Private Right of Way Closure, Geraldton as she is employed by the Rigtters Group.

Cr S Elphick declared a Financial Indirect, Proximity and Impartiality interest in Item DCS398 Approval of Local Planning Scheme Amendment Commercial Rezoning, Wonthella as she is employed by the Rigtters Group; is President of the Wonthella Progress Association; and lives two streets away.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions taken on Notice at the meeting held on 27 November 2018.

Mr John Rigter, 35 Bayview Street, Geraldton WA 6530

Question

Is the Council and Director of Corporate & Commercial Services aware that the Geraldton Retail Industry Alliance and the Mid West Chamber of Commerce and Industry, on behalf of its members, have supported general retail trading on a Sunday. If so, in the interest of evidence based, unbiased advice to the Council, how is the comment in the Director's report that opponents of extended trading hours for general retailers has persistently sought to protect their own business interest endeavouring to prevent general retailers from trading on Sundays and public holidays in competition with them? You will find the part that is missing from the first report to the second report was this request, not to change Sunday trading, but to just change the daily trading to 7 o'clock. They weren't against retail trading they were just asking for an adjustment on trading that the City that has put to put to the Minister.

Response

Yes, the Councillors and the Director were aware, from a joint MWCCI/GRIA letter, that a different trading hours arrangement was suggested with Monday-Wednesday and Friday from 0800-1900, Thursday 0800-2100, Saturday 0800-1700 and Sunday 1100-1500.

There was no reference by the consultant in the particular draft report version in question (22August 2018) to any details of that particular proposal, just to the results of the GRIA phone survey of 30 primarily CBD-located small businesses with 13 'for' and 17 'against' extended retail trading.

The latter parts of this question are addressed in responses to the other questions below.

Notwithstanding the joint MWCCI/GRIA submission in late May, it remains the case that individual businesses opposed to extended trading hours for General Retailers on Sundays and Public Holidays have persistently endeavoured across several years to prevent General Retailers trading on those days in competition with them. Across recent years, presentations and submissions to Council, letters to the press, and extensive social media coverage, show that reality. Preserving their own business model is entirely legitimate, so the City doesn't offer the observation as a criticism – just a pragmatic observation. The Council responded to clear Community desire for extended general retail trading.

Question

Secondly, further knowing that trading after 7pm on four days of the week that is part of the issue, at variance with the City's position, why did the City not consider asking the community if they support or did not support the change in the survey?

Response

The survey was designed to gain information from the Community regarding the extended general retail trading hours, aligned with Metro Perth, as trialled. That's what the Minister asked for. Small and special shops were and are already able to trade in ranges of hours far beyond those approved for General retailers for the trial. No shops (whether small, special or general) are *obliged* to be open for the full available range of legal hours, and all shops are able to determine for themselves when to trade, on which days, and for which legal hours. It was clear that the prerogative of when to be open for trade rests with businesses. Individual businesses are able to discern when customers most prefer to shop, and businesses can plan their opening hours based on their own judgements. Providing as wide a band of legal trading hours as possible for general retailers enables them – as is the case for small and special retailers – ability to choose when to trade, to suit the varying demands of customers. The trial period was for general retail trading hours aligned with Metro Perth, including Sundays and Public Holidays, because Geraldton people deserve at least the same level of shopping flexibility as residents of Perth. Notably, the City did not seek complete deregulation of general retail trading hours. The Community survey confirmed strong continuing support for extended general retail trading hours.

Question

Thirdly, in extending the trial, the Minister asked the City to review the impact on local businesses, particularly small businesses. What measure has the City undertaken to understand and give consideration on who this impacts? This is particularly important for how many businesses who have fallen down in the last 12 months.

Response

The City's view was that the best way to gain information on effects of the trialled trading hours – positive or negative – was to *ask the businesses*. In the event, 133 businesses were invited to participate in the survey, commenced in early in June. They were emailed with advice of the survey and encouraged to participate. There was wide media coverage. Initially, given the very slow rate of participation, it seemed that the level of interest from the business community was extraordinarily low. So low that the City could not get a sufficient number of responses to gain a representative view of the sector. Accordingly, businesses were emailed again, and were telephoned, and some business premises visited, to encourage businesses to participate in the survey. The survey was online, via Survey Monkey. Participation was not onerous and did not require a significant time commitment. In the event, only 46 of the 133 businesses provided survey responses. Both the consultant and the City were disappointed in the relatively poor rate of business participation. Importantly, those businesses that did participate responded to a free-form question, asking them what they thought the reasons were for changes in the retail environment, during the extended trading hours trial period. Businesses nominated wide ranging reasons – general retail downturn, impact of competition with rapidly growing online retailers, and so on. The consultant explored other reasons, such as opening of the new shopping centre in Wandina. Trying to establish absolute cause-effect relationships between issues was difficult. The structural adjustment to the Geraldton retail sector, since development of Northgate, Bunnings, Homemaker Centre, the new Wandina centre, and more recently with Aldi opening on NWCH, is ongoing, and existing businesses use – and are – adapting to the changing environment. The Council is conscious of the effects of the general economic downturn across the past several years, and has undertaken substantial capital projects, gaining the assistance of millions of dollars in Federal and State grant funding, to inject into the local economy through construction and building projects – so the City is doing its part to keep our economy moving.

Mr Rigter has been sent the response.

6 PUBLIC QUESTION TIME

Questions provided in writing prior to the meeting or at the meeting will receive a formal response. Please note that you cannot make statements in Public Question Time and such statements will not be recorded in the Minutes.

Our Local Laws and the Local Government Act require questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr T Thomas	14 December 2018	22 December 2018	23/10/2018
Cr G Bylund	21 December 2018	14 January 2019	27/11/2018
Cr J Critch	30 December 2018	13 January 2019	27/11/2018
Cr M Reymond	6 January 2019	21 January 2019	23/10/2018
Cr S Keemink	8 January 2019	29 January 2019	27/11/2018
Cr V Tanti	19 January 2019	25 January 2019	25/9/2018
Cr M Reymond	22 January 2019	28 January 2019	27/11/2018
Cr J Critch	25 January 2019	31 January 2019	27/11/2018
Cr N McIlwaine	22 March 2019	12 April 2019	28/8/2018
Cr M Reymond	22 March 2019	26 March 2019	23/10/2018

**Note: If Elected Members' application for leave of absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reasons for that refusal, will be recorded in the minutes of the meeting*

If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes.

Cr R Hall requests leave of absence for the period 18 December 2018 to 18 December 2018.

Cr T Thomas requests leave of absence for the period 7 January 2019 to 9 January 2019.

Cr T Thomas requests leave of absence for the period 16 February 2019 to 24 February 2019.

8 PETITIONS, DEPUTATIONS

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 27 November 2018, as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS*Events attended by the Mayor or his representative*

DATE	FUNCTION	REPRESENTATIVE
28 November 2018	Spirit Radio Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
28 November 2018	GWN Interview - Council Meeting, Astrotourism and Greenough Prison Report	Mayor Shane Van Styn
28 November 2018	ABC Interview – Greenough Prison Report	Mayor Shane Van Styn
28 November 2018	Hear Me Out Podcast - Outcomes of Council Meeting	Mayor Shane Van Styn
29 November 2018	Community Nursery Propagation Workshop – Welcome to Volunteers	Mayor Shane Van Styn
29 November 2018	ABC Interview – Trading Hours	Mayor Shane Van Styn
30 November 2018	Art Gallery Exhibition Openings - Genesis and Spaced 2	Mayor Shane Van Styn
30 November 2018	St John's PS Presentation Ceremony and Concert	Cr Jerry Clune
3 December 2018	Geraldton Disability Support Awards 2018	Mayor Shane Van Styn
3 December 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
3 December 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
3 December 2018	Regular Meeting with Local Member Ian Blayney MLA – Matters in Common	Mayor Shane Van Styn
3 December 2018	Nagle Catholic College - 2018 Presentation Ceremony	Mayor Shane Van Styn
4 December 2018	4 Ways Fresh Update	Mayor Shane Van Styn
4 December 2018	CEO Performance Review Committee	Mayor Shane Van Styn
4 December 2018	Radio Mama Interview – The Rocks	Mayor Shane Van Styn
5 December 2018	Thank a Volunteer Day – Presentation	Mayor Shane Van Styn
5 December 2018	Howard Gray Book Launch	Mayor Shane Van Styn
6 December 2018	Yanget Farm WA	Mayor Shane Van Styn
6 December 2018	Christmas on the Terrace	Mayor Shane Van Styn
6 December 2018	St Francis Xavier PS Awards Evening & End of Year Concert	Cr Michael Reymond
7 December 2018	Young Innovator Competition	Mayor Shane Van Styn
7 December 2018	Funtavia 2019 - Launch	Cr Robert Hall
8 December 2018	Geraldton Wavesailing Nationals 2018	Cr Natasha Colliver

9 December 2018	Carols by Candlelight	Deputy Mayor Cr Neil McIlwaine
11 December 2018	Ukulele Club – Update	Mayor Shane Van Styn
11 December 2018	Huon Aquaculture Presentation	Mayor Shane Van Styn
11 December 2018	Geraldton & Districts Senior Citizens Action Group	Mayor Shane Van Styn
11 December 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
11 December 2018	Agenda Forum	Mayor Shane Van Styn
12 December 2018	Green Hydrogen Workshop	Mayor Shane Van Styn
12 December 2018	2018 Highlights - End of Year Video	Mayor Shane Van Styn
12 December 2018	Abrolhos Islands Project	Mayor Shane Van Styn
12 December 2018	Christmas Lights Tour - Juniper Hillcrest	Mayor Shane Van Styn
13 December 2018	Regional Capitals Alliance WA (RCAWA) Meeting	Mayor Shane Van Styn
13 December 2018	Christmas Lights Tour - Juniper Hillcrest Residents	Mayor Shane Van Styn
14 December 2018	Mid West Development Commission (MWDC) Board Meeting	Mayor Shane Van Styn
17 December 2018	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
17 December 2018	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
17 December 2018	Lot 601/BCM2 (access and activation) and Beresford Foreshore Project	Mayor Shane Van Styn
17 December 2018	Azamara Quest - Welcome	Mayor Shane Van Styn
18 December 2018	Ordinary Meeting of Council	Mayor Shane Van Styn

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS396 PROPOSED PRIVATE RIGHT OF WAY CLOSURE, GERALDTON

AGENDA REFERENCE:	D-18-098401
AUTHOR:	C Krummenacher, Planning Officer
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	26 November 2018
FILE REFERENCE:	RC14 and RO/11/0016
ATTACHMENTS:	Yes (x1) Proposed Right of Way Closure Plan

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the closure of a private Right of Way (R.O.W.) that runs between Gertrude and Queen Streets, Geraldton.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 52 of the *Land Administration Action 1997*, RESOLVES TO:

1. REQUEST the Minister for Lands to acquire the private Right of Way known as Lot 66 on D8653;
2. ADVISE the Minister that two adjoining landowners have expressed an interest in acquiring (via purchase) the private Right of Way and have agreed to be responsible for all costs; and
3. INDEMNIFY the Minister against any claim for compensation from the actions to acquire the private Right of Way.

PROPONENT:

The proponent is HTD Surveyors and Planners, on behalf of the owner (Dunmarra Pty Ltd) of Lots 1, 2 & 150 Durlacher and Lot 151 Gertrude Streets, Geraldton.

BACKGROUND:

An application has been received requesting the City initiate the process to close a private R.O.W. that runs between Gertrude and Queen Streets, Geraldton. The private R.O.W. is legally described as Lot 66 on Diagram 8653 (contained in Certificate of Title Volume: 2775, Folio: 962).

The private R.O.W. abuts Lots 1, 2 & 150 Durlacher Street, Lot 151 Gertrude Street and Lots 4 & 152 Queen Street, Geraldton. The private R.O.W. is 83m long and 5m wide. It is unconstructed and not used for any vehicle access.

The proponent has requested the private R.O.W. be closed and amalgamated with their adjoining land holdings and is prepared to purchase the land and accept all costs and responsibilities associated with the closure and amalgamation.

A plan showing the proposed R.O.W. closure is included as Attachment No. DCS396.

According to the Certificate of Title, the private R.O.W. is owned by a 'James Patrick Walsh' of 116 Marine Terrace, Geraldton. City Officers have undertaken an extensive search of the owner who is likely to be deceased as the Title was registered in 1940.

The address on the Title was not known as a residential address (according to the Geraldton Historical Society) and a probate search did not identify any legal ownership of the private R.O.W. A search of state and local cemetery records was also undertaken with the registered landowner not able to be identified as deceased in the State of Western Australia.

As the R.O.W. is private, it needs to be formally 'acquired' by the State and then once this has occurred the State can progress the closure and amalgamation with surrounding land.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The proposed closure and disposal was publicly advertised in accordance with the provisions of the *Land Administration Act 1997*.

The advertising period was for 30 days (commencing on 1 June 2018 and concluding on 2 July 2018) and involved the following:

1. A notice appeared in the Geraldton Guardian on Friday 1 June 2018;
2. The closure was available on the City's website;
3. The closure was publicly displayed at the Civic Centre and Mullewa office; and

4. The closure was referred to the following:
- Australia Post
 - ATCO Gas Australia
 - Department of Health
 - Department of Communities
 - Department of Water & Environmental Regulation
 - Western Power
 - Telstra
 - Water Corporation
 - Department of Planning, Lands & Heritage
 - All landowners abutting the private R.O.W

Submissions:

As a result of advertising a total 7 submissions were received (5 from servicing authorities and government agencies with no objections). Copies of the actual submissions are available to Council upon request.

The owner of the abutting Lot 4 Queen Street advised that they did not wish to acquire any portion of the private R.O.W.

The owner of the abutting Lot 152 Queen Street advised that they wish to pursue the option of acquiring a portion of the private R.O.W. that abuts their property.

Following the acquisition and closure of the private R.O.W. the State will facilitate the amalgamation with the abutting Lots and will negotiate this process with the abutting landowners who have expressed interest in purchasing the land.

There has been no Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 52 of the *Land Administration Act 1997* provides for the closure of private rights of way.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.

REGIONAL OUTCOMES:

There are no regional outcomes.

RISK MANAGEMENT:

There are no inherent risks with the closure.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

As the private R.O.W. is unconstructed and not used for vehicular access to any of the abutting lots the option to refuse is not supported.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter.

DCS397 APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT – URBAN DEVELOPMENT REZONING, SUNSET BEACH
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AGENDA REFERENCE:	D-18-098412
AUTHOR:	K Elder, Coordinator Strategic Planning
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	19 November 2018
FILE REFERENCE:	LP/14/0006
ATTACHMENTS:	Yes (x2) A. Scheme Amendment Report B. Schedule of Submissions

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for a Local Planning Scheme Amendment ('amendment') to rezone Lot 2349 North West Coastal Highway (Reserve 27953) from 'Public Open Space' local scheme reserve to the 'Urban Development' zone.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Part 5, Section 75 of the *Planning and Development Act 2005* RESOLVES to:

1. SUPPORT Local Planning Scheme Amendment No. 6 to Local Planning Scheme No. 1 with modifications; and
2. SEEK approval of the amendment from the Minister for Planning.

PROPONENT:

The proponent is Town Planning Innovations on behalf of Landcorp, who act on behalf of the State of Western Australia.

BACKGROUND:

The subject land is Lot 2349 North West Coastal Highway, Sunset Beach also identified as Crown Reserve 27953, which is vested with the City for the purposes of 'recreation'. Lot 2349 is 4.58ha in area, and while there are numerous existing shrubs and mature trees on-site the lot is not established as a formal park.

The Lot is bound to the east by North West Coastal Highway, to the west by existing residential development, to the south by the Chapman River Wildlife Corridor and to the north by Public Open Space area being Reserve 31961, which is the area used by the Spalding Horse and Pony Club.

Lot 2349 is reserved 'Public Open Space' under Local Planning Scheme No 1 ('the Scheme') and the amendment proposes to rezone it to the 'Urban Development' zone.

The applicant has provided the following comments with regard to the proposed amendment:

- The land has been identified as surplus to City's and State Government's requirements.
- The highest and best use for the surplus asset was subsequently considered by the Department of Planning Lands and Heritage's (DPLH) land divestment function, in the context of the adjoining land uses and development.
- The potential highest and best use was identified as disposal via the open market for future residential development.
- Accordingly, the existing 'Public Open Space' reservation over the site is no longer suitable.
- The purpose of this amendment is to establish a suitable zoning over the land, to ensure adequate development, subdivision and land use controls are in place prior to the land being offered for sale.
- The site offers unique future development opportunities in the heart of Sunset Beach and a Structure Plan will assist in achieving the revitalisation of this area.

A copy of the scheme amendment report is included as Attachment No. DCS397A.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

The Environmental Protection Authority advised that the amendment should not be assessed by them under Part IV of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

Economy:

The amendment is proposed to facilitate the development of 4.85ha of land for future residential use.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The amendment was publicly advertised in accordance with the provisions of the *Planning and Development Act 2005*.

The advertising period was for 42 days (commencing on 12 September 2018 and concluding on 26 October 2018) and involved the following:

- All adjoining/nearby landowners within an 100m radius were written to and advised of the amendment;
- Two signs were placed on site;
- A public notice appeared in the Midwest Times on 12 September 2018;
- The amendment details were made available on the City's website;
- The amendment details were made available at the City's offices at Cathedral Avenue; and
- The amendment was referred to the following:
 - ATCO Gas;
 - Department of Biodiversity Conservation & Attractions;
 - Department of Community Services;
 - Department of Education;
 - Department of Fire & Emergency Services;
 - Department of Health;
 - Department of Planning, Lands and Heritage;
 - Department of Water & Environmental Regulation;
 - Main Roads WA;
 - Mid West Chamber of Commerce & Industry;
 - Mid West Development Commission;
 - Spalding Horse and Pony Club;
 - Sunset Beach Community Group;
 - Public Transport Authority;
 - Telstra;
 - Water Corporation; and
 - Western Power.

Submissions:

As a result of the advertising, a total of 7 submissions were received, none with any objections however the Department of Fire & Emergency Services (DFES) made the following comments:

- The eastern portion of Lot 2349 is located within a bushfire prone area and therefore State Planning Policy 3.7 *Planning in Bushfire Prone Areas* must be applied.
- A Bushfire Management Plan (BMP) is required to accompany strategic planning proposals, subdivision and development applications in areas where a Bushfire Attack Level (BAL) or Bushfire Hazard Level (BHL) is above low.
- The relevant bushfire information should be included in the report.

The applicant has advised that, given only a small portion of land is designated as bushfire prone, the consideration of bushfire risk can be given at the structure planning stage and SPP 3.7 will not be addressed as part of the amendment.

SPP 3.7 explicitly requires that consideration of relevant bushfire hazards should be addressed as part of any strategic planning proposal and therefore the scheme amendment report should be modified to include the necessary information in accordance with SPP 3.7.

A 'Schedule of Submissions' is included as Attachment No. DCS397B and copies of the actual submission are available to Council upon request.

LEGISLATIVE/POLICY IMPLICATIONS:

Planning and Development Act 2005:

Part 5, Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme.

City of Greater Geraldton Local Planning Scheme No. 1:

The subject land is currently zoned 'Public Open Space' local scheme reserve under Local Planning Scheme No. 1 and the amendment proposes to rezone the land to 'Urban Development'.

The objectives of the 'Urban Development' zone are to:

- (a) *identify areas that require comprehensive planning in order to provide for the coordination of subdivision, land use and development.*
- (b) *provide a basis for more detailed structure planning in accordance with the provisions of this Scheme.*

If rezoned to 'Urban Development' zone the City will be unable to support the future subdivision or development of the land without a structure plan being prepared and endorsed.

The preparation of a structure plan is considered warranted in this area given that there are a number of issues which are required to be addressed. These include, bushfire management, local water management, impacts of noise and vibration from North West Coastal Highway and the design of an appropriate interface between proposed residential area and the Chapman River Wildlife Corridor.

Structure planning will also allow for a flexible approach to be taken to design so that the future subdivision can provide an appropriate interface with existing residential development and provide a variation of densities which supports the location in close proximity to a commercial activity centre.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:Geraldton Regional Plan:

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 'regional park, recreation and conservation'.

In the time since these documents were prepared the City has completed a number of strategies which provide a more up-to-date projection of growth and development within Greater Geraldton.

Local Planning Strategy (2015):

The Strategy represents the land use planning response to the City's strategic community vision based on an aspirational population of 100,000. The Strategy will guide long-term land use planning and provide the rationale for land use and development controls.

The subject lot is identified as 'Urban' on the Geraldton Urban Area Strategy Plan and is located in close proximity to the Sunset Beach neighbourhood centre. The Strategy includes a number of strategies for residential development including to:

- Consolidate housing activity by encouraging development in existing (or identified) residential areas.
- Ensure residential densities support activity centres to optimise use of existing and planned facilities and services and more sustainable transport modes.

The amendment is consistent with the Strategy given that the 'Urban Development' zone will facilitate future residential development but that the requirements for structure planning will ensure that the design and density of development is appropriate for its location close to a neighbourhood centre.

Commercial Activities Centres Strategy (2013):

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

Lot 2349 is located approximately 250m south of the Sunset Beach neighbourhood centre which is identified in the Strategy as being a Status 1 centre.

Neighbourhood centres have a greater focus on servicing the daily and weekly household shopping needs of residents and providing community facilities and a small range of other convenience services. Their relatively small scale and catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchment.

The amendment is considered consistent with the Strategy as it will facilitate future residential subdivision and development within the catchment of a neighbourhood centre.

Public Open Space Strategy (2015):

The Public Open Space Strategy was adopted by the City in November 2014 and endorsed by the WA Planning Commission in May 2015. It provides a comprehensive strategic vision and framework to assess community needs and to guide future public open space provision for the next 20 years and beyond.

An objective of the Strategy was to provide recommendations on opportunities regarding consolidation of public open space through land acquisition, land disposal and/or land exchanges.

In preparing the Strategy an audit was undertaken in order to provide a snapshot of the current provision of public open space in each locality to identify; over or under supply of spaces, their distribution, role and servicing. In doing so, Lot 2349 and Reserve 31961 (Spalding Horse and Pony Club) were identified as 'residual'.

With the deduction of these areas the Sunset Beach locality still maintains a public open space requirement of 9.82% or 11.8ha. This calculation does not include foreshore reserves in the locality.

Furthermore, as part of the redevelopment of Lot 2349 a 10% public open space contribution will be required. The appropriate location for this open space will be determined as part of future structure planning.

Precinct Plan – Sunset Beach Local Planning Policy:

The 'Precinct Plan – Sunset Beach' Local Planning Policy was adopted by Council 28 October 2014 as a response to the outcomes of the '2029 and Beyond: Designing our City' project. The area was identified for precinct planning in order to identify and guide improvements required for it to attract renewal investment and secure its future.

The Precinct area is based on a 400m walking pedshed (walkable catchment) around the Sunset Beach neighbourhood centre and includes Lot 2349. Three scenarios were examined and the policy identifies Scenario 3 as the preferred precinct plan, with some additions.

Lot 2349 is shown in the preferred scenario as having potential for new residential lots and quality open space. The plan also identifies a north south road and pedestrian links through the reserve with quality tree lined streetscapes which improved pedestrian access to both the river and the coast.

The proposed amendment is consistent with the preferred plan for the Sunset Beach precinct.

RISK MANAGEMENT:

There are no inherent risks to the City in approving the amendment.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

It is considered that the amendment is consistent with the overall strategic planning framework outlined by the Local Planning Strategy, Commercial Activity Centres Strategy and the Public Open Space Strategy.

The land has been identified as surplus to the Government's requirements and disposal via the open market for future residential development is considered the highest and best use of the site.

The 'Urban Development' zone will require structure planning to be undertaken which will ensure development is appropriately designed for the location and be guided by the Precinct Plan for Sunset Beach. The option to refuse is therefore not supported.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event, the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government must pass a resolution on the scheme amendment and provide it to the WA Planning Commission no later than 60 days after the advertising period (being 25 December 2018).

DCS398 APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT – COMMERCIAL REZONING, WONTHELLA
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AGENDA REFERENCE:	D-18-098459
AUTHOR:	K Elder, Coordinator Strategic Planning
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	20 November 2018
FILE REFERENCE:	LP/14/0007
ATTACHMENTS:	Yes (x2) A. Scheme Amendment Report B. Schedule of Submissions

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for a Local Planning Scheme Amendment ('amendment') to rezone Lot 380 (No. 240) Fifth Street, Wonthella from 'Residential R60' to 'Commercial'.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Part 5, Section 75 of the *Planning and Development Act 2005* RESOLVES to:

1. SUPPORT Local Planning Scheme Amendment No. 7 to Local Planning Scheme No. 1 without modifications; and
2. SEEK approval of the amendment from the Minister for Planning.

PROPONENT:

The proponent is Hille Thompson & Delfos Surveyors and Planners on behalf of Dunmarra Pty Ltd.

BACKGROUND:

The subject land is Lot 380 (No. 240) Fifth Street, Wonthella which is situated approximately 2.5km north-east of the Geraldton city centre. Lot 380 is located on the southern side of Fifth Street and directly adjoins Lot 6 which is generally known as the 'Fifth Street Supermarket' and is recognised as a neighbourhood centre in the City's Commercial Activity Centres Strategy.

The lot is situated next to an existing activity centre and is bound to the north, west and south by existing residential development which is predominantly single houses.

The lot is zoned 'Residential R60' under Local Planning Scheme No 1 ('the Scheme') and the amendment proposes to rezone it to the 'Commercial' zone.

Lot 380 contains an existing residence and two outbuildings on site. The proponent has advised that the ultimate intention is to demolish the residence and one outbuilding which would then be replaced by a new commercial premises which includes a pharmacy.

The proponent considers the amendment is appropriate for the following reasons:

- The proposal is consistent with the objectives and intent of the State and Local Planning framework;
- A commercial zoning over the lot is appropriate given its strategic location directly adjoining an existing commercial premises and serves as a logical extension to the zone;
- The amendment provides a unique opportunity to potentially integrate any proposed commercial development with the existing premises given common ownership;
- It facilitates the maximum potential utilisation of the land for commercial purposes;
- With the increased density potential of the surrounding residential land the expansion of the commercial area to provide further available commercial floor area is required in order to support the growing population demands of the area; and
- Detailed planning controls are contained within the Scheme to ensure that future development of the site is appropriate with regard to land use compatibility, reattainment of amenity, size and scale of the operations and the overall design.

A copy of the scheme amendment report is included as Attachment No. DCS398A.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts. The amendment will facilitate the expansion of the commercial area to support the growing population demands of the area and any traffic impacts will be assessed at the development stage.

Environment:

The Environmental Protection Authority advised that the amendment should not be assessed by them under Part IV of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

Economy:

The amendment will facilitate the expansion of the commercial development along Fifth Street, Wonthella.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council at its meeting held on 22 November 2011 resolved to give final approval to Scheme Amendment No. 60 to the then Town Planning Scheme No. 3 which proposed to rezone Lot 381 Fifth Street, Wonthella from 'Residential R12.5/40/50' to the 'Local Centre' zone. The Minister gave final endorsement of the amendment on 11 April 2002.

COMMUNITY/COUNCILLOR CONSULTATION:

The amendment was publicly advertised in accordance with the provisions of the *Planning and Development Act 2005*.

The advertising period was for 42 days (commencing on 2 October 2018 and concluding on 14 November 2018) and involved the following:

- All adjoining/nearby landowners within a 100m radius were written to and advised of the amendment;
- A sign was placed on site;
- A public notice appeared in the Geraldton Guardian on 2 October 2018;
- The amendment details were made available on the City's website;
- The amendment details were made available at the City's offices at Cathedral Avenue; and
- The amendment was referred to the following:
 - ATCO Gas;
 - Department of Biodiversity Conservation & Attractions;
 - Department of Community Services;
 - Department of Health;
 - Department of Planning, Lands and Heritage;
 - Department of Water & Environmental Regulation;
 - Main Roads WA;
 - Mid West Chamber of Commerce & Industry;
 - Mid West Development Commission;
 - Public Transport Authority;
 - Telstra;
 - Water Corporation;
 - Western Power; and
 - Wonthella Progress Association.

Submissions:

As a result of the advertising, a total of six (6) submissions were received, none with any objections.

A 'Schedule of Submissions' is included as Attachment No. DCS398B and copies of the actual submission are available to Council upon request.

LEGISLATIVE/POLICY IMPLICATIONS:**Planning and Development Act 2005:**

Part 5, Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme.

City of Greater Geraldton Local Planning Scheme No. 1:

The amendment proposes to rezone Lot 380 (No. 240) Fifth Street, Wonthella from 'Residential R60' to 'Commercial'.

The objectives of the 'Commercial' zone are to:

- a) Provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites and activity centres.
- b) Ensure activity centres provide for appropriate uses that do not undermine the established and/or planned hierarchy of centres.
- c) Provide for efficient, intense and compact centres with a diversity of activity appropriate to the purpose of the centre.

The amendment is considered to be consistent with these objectives. The subject land abuts an existing neighbourhood activity centre. The increase in the commercial zone will not compromise the hierarchy of the centre and will facilitate a diversity of activity for the centre.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.2 Planning and Policy
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

REGIONAL OUTCOMES:Geraldton Regional Plan:

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 'urban' on the structure plan.

Local Planning Strategy (2015):

The Strategy represents the land use planning response to the City's strategic community vision based on an aspirational population of 100,000. The Strategy will guide long-term land use planning and provide the rationale for land use and development controls.

The existing commercial developments in the area have been identified in the Strategy as a 'Neighbourhood Centre'. The Strategy lists a number of commercial strategies and actions, the most relevant being:

Strategies:

1. Establish a hierarchy of activity centres and areas where priority should be given for more intensification in close proximity to existing and planned services.

Actions:

1. Implement the land use planning recommendations from the Commercial Activity Centre's Strategy.
2. Zone land in and around activity centres to ensure they provide for residential, retail, commercial intensification and mixed use development as appropriate.

The amendment is considered to be consistent with the strategies and actions as it proposes to zone land that will provide for commercial intensification around an existing activity centre.

Commercial Activities Centres Strategy (2013):

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

Lot 380 adjoins the Wonthella shopping centre which is identified in the Strategy as a 'Status 1 Neighbourhood Centre'. The 'status' categories provide an insight into which centres the City has identified as areas of priority for intervention. Status 1 centres are prioritised for active intervention by the City to encourage additional development.

Neighbourhood centres have a greater focus on servicing the daily and weekly household shopping needs of residents and providing community facilities and a small range of other convenience services. Their relatively small scale and catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchment.

For neighbourhood centres, the Strategy proposes retail floorspace to be in the range of 4,000m² – 6,000m². The existing floorspace is in the order of 3,150m² and it is envisaged that, with the future development of Lot 380, it will increase to approximately 3,500m².

The amendment is therefore considered consistent with the Strategy as it will facilitate future development within a designated neighbourhood centre which is within the retail floor space guide.

RISK MANAGEMENT:

There are no inherent risks to the City in approving this amendment.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

It is considered that the proposed amendment is consistent with the local planning framework and direction for commercial activity in Greater Geraldton. Lot 380 directly abuts Lot 6 which is within the existing Wonthella neighbourhood centre and serves as a logical extension of the commercial zone. As the centre is classified as a 'Status 1' centre and is prioritised for active intervention by the City to encourage additional development, the option to refuse is therefore not supported.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event, the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government must pass a resolution on the scheme amendment and provide it to the WA Planning Commission no later than 60 days after the advertising period (being 13 January 2019).

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES**CCS387 RATES EXEMPTION – RUAH COMMUNITY SERVICES**

AGENDA REFERENCE:	D-18-098800
AUTHOR:	S Russell, Rates Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	30 November 2018
FILE REFERENCE:	RV/4/0003-02
ATTACHMENTS:	Yes (x4) 2 x Confidential
	A. Confidential - Application Letter and Form
	B. Confidential - Statutory Declaration
	C. Constitution
	D. Australian Charities and Not for Profits Commission Certificate

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to grant RUAH Community Services a rates exemption for rates assessment number A20160 being four (4) units at 5 Hadda Way, Mahomets Flats. The application is to have the property deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the Local Government Act 1995, being land used exclusively for charitable purposes.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.26 (2)(g) of the Local Government Act 1995 RESOLVES to:

1. APPROVE a rates exemption from the date of application being 26 October 2018 for RUAH Community Services on A20160, 5 Hadda Way, Mahomets Flats on the basis that the four (4) units on the property are being used exclusively for a charitable purpose.

PROPONENT:

The proponent is RUAH Community Services.

BACKGROUND:

RUAH Community Services is a registered charitable organisation whose mission is empowering vulnerable and disadvantaged people to create meaningful change in their lives through provision of quality support services.

RUAH purchased this property on 20 July 2018 and are currently using the four (4) units exclusively for charitable purposes, providing respite accommodation for periods of up to 12 weeks for up to four (4) persons with severe and persistent mental health diagnosis and who require short term respite.

The properties are used for this purpose on a full time basis free of charge to the clients.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

This Council and its predecessor Councils have approved rate exemptions for property utilised exclusively for charitable purposes, consistent with section 6.26(2)(g) of the Local Government Act 1995.

The City has previously granted a rates exemption to a Community Housing organisation based on their current use, which is crisis accommodation, disability housing and accommodation for the aged, most recently CCS297 - 28 November 2017.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.26 of the Local Government Act provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is “used exclusively for charitable purposes”. ‘Charitable purposes’ is not currently defined in the Local Government Act 1995 or other statutes; rather charity is defined at common law.

The definition of a charitable purpose is largely based on the preamble to the Statute of Elizabeth enacted by the English Parliament in 1601 and the judgment of Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*. Lord Macnaghten classified the categories of charitable as:

- *trusts for the relief of poverty;*
- *trusts for the advancement of education;*
- *trusts for the advancement of religion; and*
- *trusts for other purposes beneficial to the community;*

The High Court of Australia incorporated the Statute of Elizabeth I into Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute Elizabeth I; and
- (b) for the public benefit.

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth I, or by Lord Macnaghten (above); and
- (b) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

FINANCIAL AND RESOURCE IMPLICATIONS:

The annual value of the exemption based on the 2018-19 rates billing is estimated to be \$5,052.62.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

Use of this property exclusively for charitable purposes demonstrably meets the requirements of section 6.26(2)(g) of the Local Government Act. Declining the request to provide rates exemption will result in an appeal to the State Administrative Tribunal, with associated costs to the City of responding to such an appeal, with minimal prospects of success in defending such a decision. To manage associated risks, deciding in favour of the exemption request will avoid the inevitable SAT process costs and reputational damage arising from refusal. The City notes that this area of the legislation has been highlighted by other Councils and by WALGA as requiring reform as part of the current process of reviewing the Local Government Act, initiated by the State Government.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

Council may decline the application for rate exemption on the basis that it considers RUAH Community Services is not providing a charitable purpose to the community or that such charitable use relating to the property is not considered an exclusive use.

This option was not recommended due to the following factors:

- The City may need to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and legal costs would be incurred as a result.

CCS388 REQUEST FOR COMMENTS ON THE PROPOSED CREATION OF HOUTMAN ABROLHOS ISLANDS NATIONAL PARK

AGENDA REFERENCE:	D-18-099443
AUTHOR:	T Palmonari, Manager Economic Development
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	3 December 2018
FILE REFERENCE:	ED/5/0013
ATTACHMENTS:	Yes (x2) A. Letter from the Department of Biodiversity, Conservation and Attractions (DBCA) B. Council Policy 2.3 Abrolhos Islands Tourism

EXECUTIVE SUMMARY:

Through its Abrolhos Islands Tourism Policy, the City of Greater Geraldton supports the development of sustainable Tourism on the Islands as a means to diversifying and expanding the City and regional economies and to grow local employment in the tourism industry.

On 8 November 2018, the City received a letter from the Department of Biodiversity, Conservation and Attractions (DBCA) requesting comments on the State Government's proposal for the creation of the Houtman Abrolhos Islands National Park.

The letter specifically sought:

1. Support for the creation of the proposed Class A national park (see Attachment No. CCS388A – Attachment one (1));
2. Consent to the provision of a public access easement on Rat Island in the Easter Group over a portion of Reserve 20253 between the public jetty and the proposed national park to ensure legal public access between the water and the airstrip (Attachment No. CCS388A - Map F); and
3. Relevant comments on the proposed national park, tourism, conservation, economic, heritage and other activities the City would like this area to provide.

The purpose of this report is to seek Council approval for points one (1) and two (2) in the above-mentioned and approval for the additional comments to be included in the City's response to the DBCA.

This report also seeks Council approval to form an Abrolhos Islands Tourism Development Committee. The purpose of the Committee will not be to duplicate work done by existing working groups and departments, but rather to ensure the City is kept abreast of developments and maintains a clear focus on advocating for the development of the Abrolhos Islands for tourism.

EXECUTIVE RECOMMENDATION:

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

Part A

1. SUPPORT the creation of the proposed Class A national park, as described in Attachment one (1) of Attachment No. CCS388A to this report, as the first critical step in activating sustainable tourism on the Houtman Abrolhos Islands (notwithstanding that consideration is be given by the State Government to the creation of a marine park at some time in the future);
2. PROVIDE consent to a public access easement on Rat Island in the Easter Group of the Houtman Abrolhos Islands over a portion of Reserve 20253 between the public jetty and the proposed national park to ensure legal public access between the water and the airstrip as per Map F in Attachment No. CCS388A to this report; and
3. SUPPORT the inclusion of the following comments in the response back to DBCA:
 - a. The City supports future development opportunities on the Islands that will build upon the existing fishing industries, such as rock lobster fishery and the developing aquaculture industry;
 - b. As a significant stakeholder, the City would like to be considered in future management discussions, including a seat at the table of the Interagency Committee, established between the DBCA and the Department of Primary Industries and Regional Development (DPIRD);
 - c. The City highly recommends that the \$10,000,000 allocated by the State Government be used on the construction of tourism enabling infrastructure, and not on new government facilities on the Islands;
 - d. The City supports a staged approach to the development of the Houtman Abrolhos Islands with the key critical first steps being:
 - i. Implementation of an efficient and effective governance and management body, such as a statutory authority to manage existing activities and facilitate tourism development at the Abrolhos Islands;
 - ii. Improvement of visitor safety and amenity, and reduction of risk and liability to the government and private sector;
 - iii. Implementation of a user pay fee structure to share the burden with State Government to help upgrade of existing infrastructure (in particular in the Wallabi Group to a standard appropriate for tourism) and to support the delivery of new infrastructure;
 - iv. Installation of interpretation materials at the Wallabi Group along with a complimentary land based experience on the mainland at the Geraldton Museum; and
 - v. Planning for future development at the Islands including consideration of the creation of a marine park.

Part B

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

1. APPROVE the formation of an Abrolhos Islands Tourism Development Committee (AITDC);
2. APPOINT four Councillors initially (Chair plus three) and a member of the City's Executive team to the Committee:
 - a. ;
 - b. ;
 - c. ;
 - d. ;
 - e. of the City's Executive Team
3. APPOINT by Committee resolution a Chairperson (Elected Member) and a proxy Chairperson (Elected Member) for the Committee at the first meeting of the Committee;
4. DETERMINE a suitable terms of reference at the first meeting of the Committee; and
5. DETERMINE at the first meeting the appointment of external members of the Committee, with consideration being given to members from:
 - a. the Departments of Primary Industries and Regional Development (DPIRD);
 - b. Department of Biodiversity, Conservation and Attractions (DBCA);
 - c. Tourism, Aquaculture, and Fishing Industries;
6. APPOINT the Chief Executive Officer or his delegate as Executive Support and Coordinator for the Committee; and
7. AMEND the Committee book accordingly.

PROPONENT:

The proponent is the City of Greater Geraldton

BACKGROUND:

The development of the Houtman Abrolhos Islands has been identified as the *game changer project* for tourism in Greater Geraldton and the Mid West Region. The Houtman Abrolhos Islands is a world class tourism destination and represents a major opportunity, that to date, has been an "opportunity lost" as a result of a lack of action.

In August 2017, Council adopted Policy CP2.3 Abrolhos Islands Tourism that supports the development of sustainable Tourism on the Islands – Attachment No. CCS388B.

In October 2017, the Premier Mark McGowan announced a new whole-of-government approach to better protect the Abrolhos Islands and create tourism and job opportunities. The Premier confirmed that the State Budget included \$10,000,000 to progress plans and that work would begin on the creation of an Abrolhos Islands national park.

The departments of Biodiversity, Conservation and Attractions and Primary Industries and Regional Development (including Fisheries) have been looking at ways to address issues relating to visitor access, visitor risk and environmental impacts on the islands and have begun developing a number of key plans around these themes.

The departments and relevant ministers are in the process of developing proposals for the protection of conservation, fishing, tourism and heritage values while creating jobs and economic opportunities for the Mid West region.

Current Management of the Houtman Abrolhos Islands

The Abrolhos Island A –Class Reserve 20253 is vested in the Ministry for Fisheries for the purposes of conservation of flora and fauna, tourism and for the purposes associated with the fishing and aquaculture industries.

The Department of Fisheries (or its successor agencies) is responsible for managing the Reserve for these purposes, pursuant to the *Fish Resource Management Regulations 1995 (FRMR)*, relevant State Government policies and management plans, and land leases between the Minister for Fisheries and the four (4) Abrolhos Island Bodies Corporate.

The Department of Fisheries also manages State waters within the Abrolhos Islands Fish Habitat Protection Area for the purposes as set out in section 115 of the *Fish Resources Management Act 1994*.

The Department of Fisheries manages the existing commercial fishing and aquaculture community and its associated infrastructure including buildings and jetties. The Department maintains government owned infrastructure established to support its operations and is responsible for maintaining land-based public use infrastructure (e.g. airstrips, shelters, toilets) on the Abrolhos Islands, and marine infrastructure (e.g. public jetties, public moorings, dive trails) and management of aquatic resources in the Fish Habitat Protection Area.

As a Class-A reserve, the Abrolhos Islands are effectively excluded from the land use planning and management jurisdiction of the City of Greater Geraldton under the State's planning legislation. The City only has jurisdiction limited to building and health matters.

The Houtman Abrolhos Islands are included within the local government district boundaries of the City of Greater Geraldton, but the City has no formal responsibility for the provision of infrastructure, amenities or municipal services on the Islands.

The National Park Model

National parks are areas of land set aside for the protection of conservation values, the facilitation and management of recreational activities (including tourism) and the interpretation of cultural and historic values.

These areas are managed to balance the need for conservation whilst allowing some economic activities that are compatible with the conservation values of the land. Management of the national park will be conducted by Department of Biodiversity, Conservation and Attractions (DBCA) in accordance with the Conservation and Land Management Act 1984 (CALM Act) in consultation with the Department of Planning, Land and Heritage (DPLH), Department of Primary Industries and Regional Development (DPRID), the fishing industry and other stakeholders.

Where appropriate, leases and licences could be granted in accordance with the CALM Act to allow tourism ventures and other appropriate economic activities.

The National Park model is regarded by the DBCA as the most appropriate model for managing the immediate need for conservation whilst allowing activities that are compatible with conservation values of the land.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts however, the development of Abrolhos Islands has been a bone of contention between the various stakeholders for a number of years and a source of emotional debate.

Environment:

The need for the relevant State Authority to develop a Coastal Hazard Risk Adaption study for the Islands have been noted.

Economy:

The Midwest hospitality, tourism and retail sectors combined contribute approximately \$682,000,000 to economic output, employing 4,289 workers. This economic output, combined with a 33% increase visitation by Chinese visitors and a number of public and private investments, makes this an opportune time to progress the development of the Houtman Abrolhos Islands for tourism.

The Economic modelling around the development of the Houtman Abrolhos Islands for Tourism suggests that a positive economic return on investment (EROI) could be achieved within five years. Conservative modelling indicates a 194% EROI after ten years. Over that same ten year period, growth and diversification of the Abrolhos Islands' tourism enterprises is predicted to increase regional business revenues by \$7,300,000 per annum. A further \$2,800,000 increase in revenues is also predicted within the Coral Coast zone as a spin off from the successful development and marketing of the Houtman Abrolhos Islands, resulting in an overall 10-year regional economic benefit of \$10,100,000 per annum. Within the Greater Geraldton area, this would represent a 6.5% expansion of the local tourism sector, and an increase in direct employment of approximately 50 people.

Governance:

As a Class-A reserve, the Houtman Abrolhos Islands are effectively excluded from the land use planning and management jurisdiction of the City of Greater Geraldton under the State's planning legislation. The City only has jurisdiction limited to building and health matters.

The Houtman Abrolhos Islands are included within the local government district boundaries of the City of Greater Geraldton, but the City has no formal responsibility for the provision of infrastructure, amenities or municipal services on the Islands.

As a significant stakeholder, the City would like to be considered in future management options, including the interagency committee has been established between the DBCA and DPIRD to ensure agreement on the national park boundary and operational management of the Islands post creation of the national park.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

The Houtman Abrolhos Islands have been recognised as a unique and catalytic opportunity for economic growth in a number of strategy documents developed through community/councillor consultation over the years, including:

- The Mid West Development Commission Regional Blueprint;
- The Mid West Development Commission Tourism Development Strategy;
- The 2017 Growing Greater Geraldton Growth Plan;
- City of Greater Geraldton Abrolhos Islands Tourism Policy; and
- The Geraldton Destination Management and Marketing Plans.

LEGISLATIVE/POLICY 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.

The tenure of representation of Councillors on this committee expires 20 October 2019 at the Local Government Elections. Council Policy CP4.4 details the Operation of Advisory Committees.

FINANCIAL AND RESOURCE IMPLICATIONS:

At this stage there are no there are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Community	1.1 Our Heritage and the Art
Strategy 1.1.1	Recording, recognising and preserving our social, environmental and built heritage.
Title: Environment	2.1 Revegetation-Rehabilitation-Preservation
Strategy 2.1.3	Ensuring natural areas and habitats are cared for and enhanced for the enjoyment of current and future generation.
Title: Environment	2.2 Sustainability
Strategy 2.2.2	Researching, promoting and providing sustainable infrastructure, services and utilities.
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.4	Supporting and facilitating implementation of the Growing Greater Geraldton plan.
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.2	Promoting events and unique tourism experiences that aid in attracting visitors and investment.

REGIONAL OUTCOMES:

The development of the Houtman Abrolhos Island National Park is considered the game changer project for the tourism and economic development for Greater Geraldton and the Mid West Region.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The option not to support the creation of the proposed Class A Houtman Abrolhos Islands national park was considered by City Officers. It was discounted based on the Council Policy CP2.3 Abrolhos Islands Tourism adopted in August 2017 (Refer Attachment No. CCS388B).

CCS389 STATEMENT OF FINANCIAL ACTIVITY TO 30 NOVEMBER 2018

AGENDA REFERENCE:	D-18-100193
AUTHOR:	T Machukera, Senior Treasury Officer
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	5 December 2018
FILE REFERENCE:	FM/17/0001
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 30 November 2018

EXECUTIVE SUMMARY:

The attached financial reports provide a comprehensive report on the City's finances to 30 November 2018.

The statements in this report include no matters of variance considered to be of concern.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the monthly financial statements of activity dated 30 November 2018, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of November is detailed in the attached report and summarised below, the variances are between Year to Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$ 129,467	0.21% over YTD Budget
Operating Expenditure	\$ 34,471	0.10% under YTD Budget
Net Operating	\$ 163,938	0.60% positive variance
Capital Expenditure	\$ 129,435	0.50% under YTD Budget
Capital Revenue	\$ 7,874	0.40% over YTD Budget
Cash at Bank – Municipal	\$30,360,623	
Cash at Bank – Reserve	\$16,221,375	
Total Funds Invested	\$46,049,440	
Net Rates Collected	77.61%	
Net Rates Collected in November 2017	76.36%	

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the revised budget. The financial position represented in the November financials shows a positive variance of \$163,938 in the net operating result (this takes into account commitments).

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that as a minimum Council is to receive a Statement of Financial Activity.

FINANCIAL AND RESOURCE IMPLICATIONS:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

INTEGRATED PLANNING LINKS:

Title: Governance	4.4 Financial Sustainability and Performance
Strategy 4.4.1	Preparing and implementing short to long term financial plans
Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.
Title: Governance	4.5 Good Governance and Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

12.3 REPORTS OF INFRASTRUCTURE SERVICES

Nil.

12.4 REPORTS OF OFFICE THE CEO

Nil

12.5 REPORTS TO BE RECEIVED**DECEMBER - REPORTS TO BE RECEIVED**

AGENDA REFERENCE:	D-18-099499
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	7 December 2018
FILE REFERENCE:	GO/6/0012-05
ATTACHMENTS:	Yes (x2) 1 x Confidential
	A. Delegated Determinations and Subdivision Applications
	B. Confidential Report – List of Accounts Paid Under Delegation November 2018

EXECUTIVE SUMMARY:

The purpose of this report is to receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:**PART A**

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Development & Community Services:
 - i. DCSDD141 Report – Delegated Determinations and Subdivision Applications.

PART B

That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services:
 - i. CCS391 - Confidential Report – List of Accounts Paid Under Delegation November 2018.

PROPONENT:

The proponent is the City of Greater Geraldton

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.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any

way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Reports to be received by Council at each Ordinary Meeting of Council

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NM07	JAMBINBIRRI PROMENADE – BERESFORD FORESHORE
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AGENDA REFERENCE:	D-18-100631
AUTHOR:	Mayor Shane Van Styn
DATE OF REPORT:	7 December 2018
FILE REFERENCE:	GO/6/0008
APPLICANT / PROPONENT:	Council
ATTACHMENTS:	No

Councillor Comment

“The name given to Champion Bay by the Aboriginal people who lived on its shores before European settlement is not known, lost in the cultural destruction that followed. ‘Jambinbai’ was adopted phonetically from the colonists’ name. ‘Jambinbirri’ is a later derivation adapting to the linguistic conventions of the Wajarri language groups” - Clarrie Cameron and Vaso Elefsiniotis, pers comm, Dr Howard Gray, Jambinbirri – Champion Bay Geraldton Western Australia, pg1 2018

I see this name as one that brings together both the English language and Wilunyu language, in a word consented to by a recently passed, highly respected, elder, which reflects on everyone’s connection to our shores. The name Jambinbirri also accurately describes the location of the walk. The City does not have much named infrastructure in the local Aboriginal languages and herein lies an opportunity to increase awareness of the Wilunyu language as well as to pay our respects to the first peoples of our City. It is not the removing of any name from anyone, rather a giving of history to all.

I envision the naming of this promenade will provide an opportunity for local Aboriginal artists to provide an artistic installation of some kind marking the start and end of the walk as well as some interpretive signage along its way.

Executive Comment

The Executive are supportive of increasing community awareness of local history and local languages. The naming of the promenade is in keeping with the City’s Reconciliation Action plan and the proposed artwork would add to the existing Aboriginal artwork located on the foreshore near the Dome restaurant.

The City’s Community Aboriginal Development Officer completed additional research on the Mayor’s motion and the following advice is provided:

Patrick Cameron (Wilunyu spokesperson): advised that ‘Jambinbirri’ is the correct spelling and that it is a Wilunyu word.

The group asks that there be interpretive signage along the walk trail to acknowledge traditional owners of the area.

COUNCILLOR MOTION:

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

1. NAME the entire length of the new promenade along the recently completed Beresford Foreshore “Jambinbirri Walk”;
2. DIRECT the CEO to list for consideration by Council in the 2019-20 budget, funding, for an appropriate artwork to be commissioned to mark the naming of the walk; and
3. MAKE the determination on the following grounds:
 - a. to increase awareness of the Wilunyu language as well as to pay our respects to the first peoples of our City by providing a name for a currently unnamed section of walkway along the Beresford Foreshore.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

**15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

16 MEETING CLOSED TO PUBLIC

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting will be closed to the public, if applicable, where confidential discussion is required.

Livestreaming will be turned off.

CCS390 ANNUAL CEO PERFORMANCE REVIEW

AGENDA REFERENCE:	D-18-100216
AUTHOR:	N Hope, Acting Manager Corporate Services
EXECUTIVE:	B Davis, Director Commercial and Corporate Services
DATE OF REPORT:	5 December 2018
FILE REFERENCE:	SM/23/0004
ATTACHMENTS:	Yes (x3) Confidential
	A. Confidential - Minutes – CEO Performance Review Committee Meeting 4 December 2018
	B. Confidential - 2017-18 CEO Performance Plan
	C. Confidential - 2018-19 CEO Performance Plan

EXECUTIVE SUMMARY:

The purpose of this item is to seek Council's endorsement of the Chief Executive Officer's (CEO) performance review for the 2017-18 financial year.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.38 of the Local Government Act **RESOLVES** to:

1. NOTE the Chief Executive Officer's satisfactory performance review; and
2. ENDORSE and give effect to the recommendations of the CEO Performance Review Committee of the 4 December 2018.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Council has a responsibility under the Local Government Act 1995 (sections 5.36-5.39) to review the CEO's performance at least annually and set performance criteria so the CEO is clear on the expectations of Council. The City of Greater Geraldton established a CEO Performance Review Committee to undertake this task. The Committee consists of five (5) elected members (Mayor S Van Styn, Deputy Mayor Cr N McIlwaine, Cr T Thomas, Cr D Caudwell and Cr B Hall).

The Committee held two meetings (7 November 2018 and 4 December 2018) to review the 2017-18 performance of the CEO (noting that he was permanently appointed on 28 August 2017) and to establish performance criteria for 2018-19 financial year. Attached are copies of the resulting two documents.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

Undertaking the CEO's performance review and establishing performance criteria are part of the good governance of the City.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

This is an annual legislative requirement. Previous reviews have been undertaken by Council in a similar manner.

COMMUNITY/COUNCILLOR CONSULTATION:

All Council members and executive staff have had input into the performance feedback of the CEO by virtue of a 360 degree survey.

LEGISLATIVE/POLICY IMPLICATIONS:

Part 5 of the Local Government Act 1995 relates to the employment of staff. Section 5.38 of the Act requires regular reviews be undertaken of senior staff of the local government. Regulation 18D of the Local Government (Administration) Regulations 1996 requires Council to consider each review carried out under Section 5.38 and to accept the review, with or without modification, or to reject the review.

FINANCIAL AND RESOURCE IMPLICATIONS:

Provision has been made within the existing operational budget for the CEO.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.1	Strengthening the governance role of Councillors by informing, resourcing, skilling and supporting their role.
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

As required by legislation, Council is required to conduct an annual performance review of the CEO. Completion of the review ensures compliance with the statutory requirement.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

Regulation 18D of the Local Government (Administration) Regulations 1996 requires Council to consider the CEO's review carried out by the CEO Performance Review Committee under Section 5.38 of the Local Government Act 1995 and to accept the review, with or without modification, or to reject the review.

17 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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