



ORDINARY MEETING OF COUNCIL

AGENDA

20 DECEMBER 2011

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
BEING HELD ON TUESDAY 20 DECEMBER 2011 AT 5.30PM
CHAMBERS, EDWARD ROAD

A G E N D A

DISCLAIMER:

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

1 **ACKNOWLEDGEMENT OF COUNTRY**

2 **DECLARATION OF OPENING**

3 **ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Mr L Teakle, PO Box 4076, Geraldton WA 6531**

Questions relating to the refusal of a business application for the Geraldton foreshore area.

Question

Was Council aware an application for this business has been made?

Response

Council was not directly made aware that an application had been made, however applications determined under delegated authority are reported to the next available Council meeting for their information.

Question

Is it normal for applications which appear to meet council guidelines for approval to be dismissed before council has considered the application?

Response

Council, at its meeting held on 1st July 2011, resolved by absolute majority pursuant to clause 8.6 of Town Planning Scheme No. 3 (Geraldton) and clause 11.3 of Local Planning Scheme No. 5 (Greenough) to delegate authority to the Chief Executive Officer to refuse applications for planning approval where the proposal is considered to markedly deviate from the objectives and/or is clearly excessive of any prescribed standards of the relevant Scheme, local planning policies and/or Residential Design Codes.

Question

If an application is dismissed before consideration by the council who is responsible and under whose authority do they act?

Response

The Chief Executive Officer in accordance with the delegated authority granted by Council.

Question

The written reason given was the business did not meet the vesting interest of the area in question. Upon questioning the specific local planning policy used to deny the application was "commercial recreation tourism activity on crown land", in it the following sections appear to allow great scope for our application to proceed.

Namely:

4.4.1.3: Generally the widest range of activities consistent with the reserve purpose should be allowed.....

4.4.2.4: ...A range of complimentary operations may be permitted in the same vicinity if there are sufficient facilities and the impacts are minor.

Response

The 'Commercial Recreation Tourism Activity on Crown Land' local planning policy was not used in assessing the application given that the proposal was for a Produce Stall and not a Tourism Activity. As such this local planning policy did not apply.

Question

The health section of the Geraldton council actively encouraged this application, from memory the words used where "this would assist the council in meeting its healthy communities objectives".

Response

Although the Environmental Health Department may have considered the concept as a benefit in meeting healthy community objectives, it does not override the requirement to comply with the provisions of the Town Planning Scheme.

Question

There is scope for a tourist promotion (watermelon "thump") or event similar to ones held in the US which attract a great deal of publicity and tourism. It would be unrealistic for a newly starting business to try to run such an event without seeing if it was profitable in the first place. Should future "ambitions" be included on applications even if no starting date can be committed to?

Response

These type of promotions could be included in local festivals and events that take place throughout the year.

5 PUBLIC QUESTION TIME

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

Question

Will the current CEO positions be abolished, as was the case in the previous amalgamation between the City of Geraldton and Shire of Greenough?

Response

The merger resulted in see Mr Brun taking on the role as the CEO of the newly formed City of Greater Geraldton and Mr Hartman

assuming the role of District manager, Mullewa. There was no need to abolish positions.

Question

How much time remains on the current contract with the current Shire CEO and when was it last renewed?

Response

The current contract has 2 years remaining and was last renewed March 2011

Question

Will the current Shire CEO be offered a severance package in the lead up to the 1 July 2011? Will this amount be the balance of his present contract, his current salary package being an amount of \$196,000-00? (Source: Table 8 LGAB Assessment of Proposals document December 2010)

Response

There is no plan to offer severance packages to any staff from the City of Geraldton-Greenough or the Shire of Mullewa

Question

It has previously been indicated that the current Shire CEO will be assuming the role of 'District manager, Mullewa', a locality that is now to be designated a 'ward' in the amalgamated City of Greater Geraldton. Assuming this to be a lesser role than the current Shire CEO position, will the current Shire CEO be offered a reduced salary package? Will the current Shire CEO accept this lesser amount?

Response

The District manager, Mullewa will retain his package as endorsed by the [then] Shire of Mullewa for the period of his contract.

Question

If there is no decrease in the Shire District manager salary package, and with the current Shire CEO being a strong supporter of amalgamation, could this be construed as a conflict of interest from a pecuniary point of view?

Response

There is no conflict of interest.

Question

How many paid advertisements did the Sire of Mullewa place in the local press in the month leading up to the Amalgamation Poll to ensure that all ratepayers were aware of the impending election and to encourage them to vote?

Response

The Department adverts were widely published and information provided in the Mullewa Mail

Question

Did the Shire of Mullewa at any stage alert property owners in their Shire who were not on the electoral roll as to the procedure and time constraints required for absentee owners to become enrolled voters prior to the amalgamation poll?

Response

The Electoral commission advertised for people to make application for the owners and occupiers roll.

Question

How many staff members (numbers and full time equivalents) are employed by the Shire of Mullewa?

Response

25

Question

How many people voted 'for' amalgamation at the 16 April 2011 poll in the Shire of Mullewa? I believe the number is '28' – please confirm.

Response

There was 139 against and 28 for which represented 35.46%. A valid poll required at least 50%

Question

Does the Shire of Mullewa honestly believe that the future of its Shire should be directly influenced by the wishes of 28 of its citizens out of a total voter population of 471?

Response

The Local Government Act is specific on the requirements of a poll.

Question

In regards to an advertisement 'Amalgamation Proposal Information Notice' placed on page 11 in the Geraldton Guardian on Friday 15 April 2011, it is mentioned that the rates difference between Mullewa and Geraldton-Greenough will be "equalised over 3 years" – could this equalisation process be explained and how will it affect the rates of each LGA?

Response

Under the provisions of the Local Government Act all equivalent rate classes must be equalised over a defined period.

Question

It was indicated in the same advertisement mentioned above that "With respect to Minimum Rates, subject to the approval of the Minister of Local Government, is to retain the existing separate minimum rates for the town sites within the current Shire of Mullewa (sic)". Does the Shire of Mullewa feel that this is fair, considering Walkaway (in the City of Geraldton-Greenough) townsite's minimum rate is currently \$772.00 or \$872.00 (vacant land) whilst the Shire of Mullewa's townsite minimum rate is currently \$321.06 in Mullewa townsite and \$83.49 in Pindar and Tardun townsites?

Response

Variable maximum rates are allowed for under the local Government Act and provide recognition of significant variations that potentially arising in land values.

Question

The proposed Mullewa ward will have 2 Councillors (elected members) representing 471 eligible voters. The other 6 wards in the proposed City of Greater Geraldton will each have 2 Councillors representing approximately 3500 eligible voters. Does the Shire of Mullewa believe this representation is fair in the generally accepted governmental context of 'one vote, one value'?

Response

This was the agreement between the Shire of Mullewa and the City of Geraldton Greenough at the time.

6 APPLICATIONS FOR LEAVE OF ABSENCE**Existing Approved Leave**

December 2011		
Nil.		

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

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Greater Geraldton held on 22 November 2011 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	REPRESENTATIVE
23 November	Grants Commission	
	MWAC Meeting	
	Local Government Reform Implementation Committee Meeting - Perth	Mayor Ian Carpenter
25 November	Councillor Induction Training	Mayor Ian Carpenter
26 November	Councillor Induction Training	Mayor Ian Carpenter
	WA Tourism Awards	
28 November	WALGA - Northern Country Zone Meeting	Mayor Ian Carpenter
29 November	Citizenship Ceremony	Mayor Ian Carpenter
	Roseanne Jupp and Pat Shaw, RFDS	
	Andrew Murray, chairman of WA Regional Development Trust	Mayor Ian Carpenter
30 November	Citizenship Ceremony	Mayor Ian Carpenter
	Western Power's Mid West Energy Project Southern Section - Stage 1	
	International Day for People with Disability Opening of Art Exhibition	
1 December	Asian Iron Australia - Dinner - Extension Hill Magnetite Project	Mayor Ian Carpenter
2 December 2011	Asia Iron Australia - Extension Hill Magnetite Project ground breaking ceremony	Mayor Ian Carpenter
	2029 & Beyond Forum	
5 December 2011	National Thank a Volunteer Day	Mayor Ian Carpenter
6 December 2011	Audit Committee	Mayor Ian Carpenter
	Department of Sport & Recreation - End of Active Smart, Geraldton	
	Lotteries House – Formal opening by the Premier of Western Australia	
	Premier the Hon Colin Barnett	
	Concept Forum	
7 December 2011	WA Regional Cities Alliance Signing Ceremony for a Cooperation Agreement	Mayor Ian Carpenter
8 December 2011	Regional Cities Australia Alliance, Melbourne	Mayor Ian Carpenter
11 December 2011	Carols by Candlelight, Maitland Park	Mayor Ian Carpenter
12 December 2011	St Johns School Presentation Ceremony and Concert	
	Ian Blayney MLA, Member for Geraldton	Mayor Ian Carpenter

13 December 2011	Rangeway Primary School Presentation Assembly	Mayor Ian Carpenter
	Holland Street Presentation	
	Agenda Forum	
14 December 2011	Climate Change Workshop	Mayor Ian Carpenter
	Discuss Rotary District Conference on the 20th April 2012	
15 December 2011	Hon Grant Woodhams	Mayor Ian Carpenter
16 December 2011	Mr Richard Maslen	
	Heritage Advisory Committee Meeting	
	Hill Crest Tour of Christmas Lights	
20 December 2011	Ordinary Meeting of Council	Mayor Ian Carpenter

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 *Reports of the Chief Executive Officer*

Nil.

11.2 Reports of Corporate Services

CS038	EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN
AGENDA REFERENCE:	D-11-23509
AUTHOR:	D Granville, Manager Human Resources
EXECUTIVE:	C. Wood, Director Corporate Services
DATE OF REPORT:	17 November 2011
FILE REFERENCE:	SM/5/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this item is to seek Council's adoption of the City's Equal Employment Opportunity (EEO) Management Plan.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

The City of Greater Geraldton is required to prepare and implement an equal opportunity management plan to achieve the objectives of Part IX of the Equal Opportunity Act 1984.

The purpose of the City's Equal Employment Opportunity Management Plan is to address the requirements for local government entities in accordance with Section 145 of the Equal Employment Opportunity Act 1984. These requirements state that the City will continue to promote EEO strategies and goals in accordance with the Office of Equal Employment Opportunity's outcome standards framework.

The City's EEO Management Plan will align with the organisation's long term strategic plan, assisting in the attraction and retention of quality employees, allowing the organisation to make effective business decisions and provide effective service delivery.

COMMUNITY CONSULTATION:

No community consultation has been undertaken.

COUNCILLOR CONSULTATION:

No Councillor consultation has been undertaken.

STATUTORY IMPLICATIONS:

Section 145(2) (a)–(h) of the Equal Opportunity Act 1984.

POLICY IMPLICATIONS:

Operational Policy OP006 Equal Employment Opportunity
Operational Policy OP034 Grievance Management
Council Policy CP015 Code of Conduct

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 5: Leading the Opportunities.
Outcome 5.1: Leadership and good governance.
Strategy 5.1.3: Implement business, governance, legislative and compliance frameworks.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic outcomes.

Social:

The EEO Management Plan will ensure that all current and future employees of the City of Greater Geraldton are able to work in an environment free of harassment and discrimination.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to Section 145(2) (a)–(h) of the Equal Opportunity Act 1984, RESOLVES to

1. ADOPT the Equal Employment Opportunity Management Plan 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.

Option 3:

That Council by Simple Majority, pursuant to Section 145(2) (a)–(h) of the Equal Opportunity Act, 1984, RESOLVES to:

1. NOT ADOPT the Equal Employment Opportunity Management Plan.
2. MAKE the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The City's Equal Employment Opportunity Management Plan will address the requirements for local government entities in accordance with Section 145 of the Equal Employment Opportunity Act 1984. These requirements state that the City will continue to promote EEO strategies and goals in accordance with the Office of Equal Employment Opportunity's outcome standards framework.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to Section 145(2)(a)–(h) of the Equal Opportunity Act, 1984 RESOLVES to ADOPT the Equal Employment Opportunity Management Plan.

CS039 SPECIAL ISSUE NUMBER PLATES FOR AUCTION

AGENDA REFERENCE:	D-11-25464
AUTHOR:	J Rolston, Manager Customer Relations
EXECUTIVE:	C Wood, Director Corporate Services
DATE OF REPORT:	23 November 2011
FILE REFERENCE:	GO/2/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Councillors' direction on the process for implementing a special series of number plates for the City of Greater Geraldton.

PROponent:

The Proponent is the City of Greater Geraldton.

BACKGROUND:

It was resolved by the Joint Structural Reform Arrangements Committee that one of the outcomes of the amalgamation of the City of Geraldton-Greenough and the Shire of Mullewa would be that a special series of number plates for the City of Greater Geraldton be initiated. Further, it was suggested that a public auction be held to sell off, say the first 100 plates, and the proceeds directed to a local charity.

Application was duly made by the City of Greater Geraldton to the Department of Transport of WA (DoT) for a series of plates to be established. Confirmation was received on 19 October 2011 that plates in the number series 000-999 will be held for a period of six months for the City of Greater Geraldton Local Authority. This time may be extended at the sole discretion of the DoT. Where DoT extends the time period of a series, there is a requirement by the organisation to sell a minimum of ten (10) sets of plates per year.

To commence the process, the first order must be for a minimum of 30 pairs, and then individually as further orders are received. The cost is \$155 for each set of plates ordered.

Although 1000 plates are potentially available as part of this special series it is recommended that only the first 100 are selected for the project in order to take best advantage of potential fundraising possibilities.

Proposed Process

As per the Joint Structural Reform Arrangements Committee resolution the proceeds of the sale of City of Greater Geraldton special series number plates would be donated to a local charity. The auction arrangements are suggested as follows:

1. Advertise expressions of interest from not-for-profit local registered charitable organisations and service clubs with an established

fundraising strategy to organise an event at which to conduct the auction. In return, the organisation retains the monies raised, less costs, to add to their fundraising efforts for an initiative(s) of benefit to the Greater Geraldton community as per their stated strategy.

2. A Mayoral function is held to host the initial event to which representatives of the organisations are invited. All nominations are placed in a barrel, a draw is conducted and successful organisation is identified.
3. As required, the City will assist the organisation with administrative and/or marketing support to enable them to hold their auction event.
4. An alternative to this approach could be to draw, say, four (4) organisations with each of them holding an auction event in coming months for 25 sets of plates per event. This may spread the opportunity for more groups to participate in this fundraising initiative.
5. Any plates in the series 000-100 not sold at the proposed auction events could, perhaps be sold over the counter at the Civic Centre at a reserve price which would allow the City to cover its cost and also provide funding to the chosen charity.

COMMUNITY CONSULTATION:

There is no community consultation required at this stage.

COUNCILLOR CONSULTATION:

This initiative is in accordance with the resolution of the Joint Structural Reform Arrangements Committee.

STATUTORY IMPLICATIONS:

Department of Transport WA have confirmed that all that is required to bring the concept to fruition is that the prospective buyer completes the application form and forwards it with payment to the Department of Transport. The City of Greater Geraldton will assist with the administrative arrangements of this aspect.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications other than the cost of holding a Mayoral event to determine the participating local charitable organisations. The City will recover the initial cost of plates through the auction processes and any direct sales.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan 2011-2021:**

Goal 5:	Leading the Opportunities
Outcome 5.2:	Citizen and Stakeholder focused services
Strategy 5.2.2:	Maintain meaningful engagement, consultation and deliberative processes within the community

Regional Outcomes:

The issue of a special series of number plates and the proposed auction event provides an opportunity to market the Greater Geraldton region.

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

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural, heritage or indigenous impacts.

RELEVANT PRECEDENTS:

Special series number plates have previously been issued for other local government authorities in WA including the former City of Geraldton entity.

DELEGATED AUTHORITY:

There is no delegated authority related to this proposal.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. ENDORSE the issue of special series number plates for the City of Greater Geraldton and auction of the first 100 sets for charitable fundraising purposes with the following changes:
 - a. to be determined by Council
2. MAKE the determination based on the following reason:
 - b. to be determined by Council

Option 3:

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

1. NOT ENDORSE the issue of special series number plates for the City of Greater Geraldton and auction of the first 100 sets for charitable fundraising purposes; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

CONCLUSION:

This report serves to update Councillors on the process for implementing a special series of number plates for the City of Greater Geraldton and the proposed fundraising opportunity for a local charitable organisation via auction of the first 100 sets of the special series plates.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the issue of special series number plates for the City of Greater Geraldton and auction of the first 100 sets for charitable fundraising purposes;
2. ADVERTISE expressions of interest from not-for-profit local registered charities to participate in this project; and
3. HOLD a Mayoral function to draw the successful organisation.

CS040	2010/2011 ANNUAL REPORTS FOR THE SHIRE OF MULLEWA AND THE CITY OF GERALDTON-GREENOUGH
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AGENDA REFERENCE:	D-11-24887
AUTHOR:	K Chua, Manager Financial Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	28 November 2011
FILE REFERENCE:	FM/3/0003
APPLICANT / PROPONENT:	Nil
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this report is to seek Council's adoption of the 2010/2011 Annual Report for the Shire of Mullewa and the City of Geraldton-Greenough.

BACKGROUND:

The 2010/2011 Annual Reports (attached) have been prepared in accordance with Section 5.53 of the Local Government Act and includes the audited Annual Financial Report.

The Annual Reports highlight the Shire of Mullewa and the City of Geraldton-Greenough's achievements in 2010/11 and notes the activities which will be undertaken in 2011/12 in accordance with the Plan for the Future.

The Audit Committee has reviewed the Annual Financial Reports and Audit Reports for both entities and has discussed any issues regarding the audit of the finances with the Auditors and is satisfied that all issues have been finalised. The minutes of that meeting are attached for receipt by Council.

COMMUNITY CONSULTATION:

Once the Annual Reports have been adopted by Council, the CEO will give local public notice of their availability to the public and call annual electors meetings on 6 February 2012

COUNCILLOR/OFFICER CONSULTATION:

The Audit Committee has reviewed and recommended the adoption of the Annual Financial Reports at its meeting held on 20 December 2011.

STATUTORY IMPLICATIONS:

Section 5.53 of the Local Government Act requires the preparation of an annual report and details what has to be contained within.

Section 5.54 requires that the Annual Report for a financial year be accepted no later than 31 December after that financial year. Council is required to hold an Annual Electors Meeting within 56 days of acceptance of the Annual Report. Pending adoption of the Annual Report, the Annual Electors meeting will be scheduled for the 6 February 2012.

It is proposed to hold two meetings to reflect the Annual Reports for the former Shire of Mullewa and the former City of Geraldton-Greenough. The electors meeting for Mullewa will be held on 6 February 2012 commencing at 1.00pm and the Geraldton-Greenough meeting will be held on the same day at 5.30pm.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 5:	Leading the Opportunities
Outcome 5.4:	Efficient and Effective Business Systems
Strategy 5.4.1:	Implement integrated planning and reporting

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 environmental issues.

RELEVANT PRECEDENTS:

The acceptance of the annual report is a standard statutory requirement.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority and by virtue of section 5.54 of the Local Government Act 1995:

1. RECEIVE the Minutes of the Audit Committee meeting 6 December 2011;
2. NOT ADOPT the Annual Reports for the period ending 30 June 2011 for the Shire of Mullewa and the City of Geraldton-Greenough; and
3. NOT REQUEST the CEO to arrange annual electors meetings for 6 February 2012 as per section 5.27(2) of the Act.

Option 3:

That Council DEFER the acceptance of the Annual Reports for the Shire of Mullewa and the City of Geraldton-Greenough pending further review.

CONCLUSION:

The Annual Reports for 2010/11 have been completed and include the Annual Financial Reports.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority and by virtue of section 5.54 of the Local Government Act 1995:

1. RECEIVE the Minutes of the Audit Committee meeting of 6 November 2011;
2. ADOPT the Annual Reports for the financial period 30 June 2011 for the Shire of Mullewa and the City of Geraldton-Greenough; and
3. REQUEST the CEO to arrange Annual Electors Meetings for 6 February 2012 per section 5.27(2) of the Act.

CS041	DELEGATION BY LOCAL GOVERNMENT TO THE CHIEF EXECUTIVE OFFICER UNDER THE BUSH FIRES ACT 1954
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AGENDA REFERENCE:	D-11-25612
AUTHOR:	T Mutale-Mbirimi, Coordinator Governance & Risk
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	14 November 2011
FILE REFERENCE:	SM/1/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to approve the delegation to the Chief Executive Officer, to allow the performance of any of the City of Greater Geraldton's functions under the Bush Fires Act 1954.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The legislation authorising the delegation of certain local government powers or duties and requiring records to be maintained in respect of such delegations, include the following:

- Local Government Act 1995;
- Local Government [Miscellaneous Provisions] Act 1960; [Strata Titles Act 1985];
- Bush Fires Act 1954; and
- Planning and Development Act 2005.

Section 48 of the Bush Fires Act 1954 provides for a local government to delegate powers to its CEO. A separate delegation is required under this Act as this is not covered under the current delegation.

COMMUNITY CONSULTATION:

There is no requirement for community consultation on this matter.

COUNCILLOR CONSULTATION:

There is no requirement for councillor consultation.

STATUTORY IMPLICATIONS:

Section 48 of the Bush Fires Act 1954 provides for Council to delegate powers to the CEO.

"A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act."

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan 2011-2021:**

Goal 1:	Opportunities for Lifestyle
Outcome 1.3:	A safe, secure and supportive community
Strategy 1.3.1:	Support effective community emergency services and animal management

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:

A delegation under this section does not include the power to sub-delegate. The Bush Fires Act 1954 does not provide for a CEO to delegate to another employee to exercise the powers delegated by council to the CEO under section 48 of that Act. Therefore, only the CEO may exercise the powers delegated by Council to the CEO under that Act.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority under Section 48 of the Bush Fires Act 1954 RESOLVES to:

1. NOT ENDORSE the delegation to the 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 3:

That the Council by Absolute Majority under Section 48 of the Bush Fires Act 1954 RESOLVES to:

1. APPROVE the delegations to the Chief Executive Officer 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.

CONCLUSION:

The approval of the delegation to the Chief Executive Officer provides for efficient and timely delivery of services and projects in the management of the City.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority under Section 5.42 of the Local Government Act 1995 (as amended) RESOLVES to:

1. APPROVE pursuant to Section 48 of the Bush Fire Act 1954 the delegation to the Chief Executive Officer of the City of Greater Geraldton

CS042	CP009 SIGNIFICANT ACCOUNTING POLICY
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AGENDA REFERENCE:	D-1-26084
AUTHOR:	K Chua Manager Financial Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	6 December 2011
FILE REFERENCE:	FM/3/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this report is to seek Council's adoption of CP 009 Significant Accounting Policy.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

A review of CP 009 Significant Accounting Policy has been necessary following the amalgamation of the former City of Geraldton-Greenough and the Shire of Mullewa.

The policy will be used in the preparation of various reports namely annual budgets, monthly financial reports and the annual financial statements and will result in uniform accounting policies for the City of Greater Geraldton.

The major changes to the policy are:

- Uniform rate of depreciation for all infrastructure assets.
- The capitalisation threshold for Plant, Furniture and Equipment has been increased from \$500 to \$2,000 to bring it in line with the Western Australian Local Government Accounting Manual.

COMMUNITY CONSULTATION:

No community consultation was undertaken.

COUNCILLOR CONSULTATION:

This policy was endorsed by the Audit Committee at its meeting held on 6 December 2011.

STATUTORY IMPLICATIONS:

The policy complies with the Australian Accounting Standards Board 101 (AASB 101) in relation to Significant Accounting Policy and the Australian Accounting Standards Board 116 (AASB 116) in relation to Depreciation.

POLICY IMPLICATIONS:

This is a review of the previous significant accounting policies of the City of Geraldton-Greenough and Shire of Mullewa.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic community Plan Outcomes:**

Goal 5:	Leading the Opportunities
Outcome 5.1:	Leadership and good governance
Strategy 5.1.3:	Implement business, governance, legislative and compliance 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 Council by Simple Majority, pursuant to Section 5.20 of the Local Government Act 1995, RESOLVES to:

1. ENDORSE the Council Policy CP 009 Significant Accounting Policy with the following changes:
 - a. To be determined by Council.
2. MAKE the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. NOT ENDORSE Council Policy CP 009 Significant Accounting Policy;
2. MAKE the determination based on the following reason:
 - a. To be determined by Council

CONCLUSION:

This policy will provide a uniform approach to the compilation of annual budgets, monthly financial statements and the annual financial statements.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to Section 5.20 of the Local Government Act 1995, RESOLVES to ENDORSE Council Policy CP 009 Significant Accounting Policy.

CS045 AUDIT COMMITTEE MEETING - 6 DECEMBER 2011

AGENDA REFERENCE:	D-11-26403
AUTHOR:	C Wood, Director of Corporate Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	6 December 2011
FILE REFERENCE:	FM/3/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this report is seek Council's endorsement of the recommendations of the Audit Committee meeting held on the 6 December 2011.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The items presented to the Audit Committee meeting held on the 6 December 2011 included:

1. Annual Financial Report and Audit Opinion for 2010/11 for the Shire of Mullewa
2. Audit Management Letter for the Shire of Mullewa for 2010/11
3. Annual Financial Report for the City of Geraldton-Greenough for 2010/11
4. Interim Audit Management Letter for the City of Geraldton-Greenough for 201/11
5. CP 009 Significant Accounting Policy

The minutes are provided in attachment CS045.

COMMUNITY CONSULTATION:

Extensive consultation has occurred between the City's auditors and City finance staff.

COUNCILLOR CONSULTATION:

City of Geraldton-Greenough Audit Committee members have reviewed the contents of the reports with the Chief Executive Officer, Director of Corporate Services, and Manager of Financial Services.

STATUTORY IMPLICATIONS:

Part 7 of the Local Government Act 1995 refers to requirements of the Audit Committee, the responsibilities of the local government in assisting the audit process and taking appropriate action on recommendations contained within their reports that require follow up.

POLICY IMPLICATIONS:

The Significant Accounting Policy has been reviewed as a result of the amalgamation of the former City of Geraldton-Greenough and the Shire of Mullewa. This will be presented to Council in a separate item.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications relevant to this item.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 5:	Leading the Opportunities
Outcome 5.1:	Leadership and Good Governance
Strategy 5.1.3:	Implement Business, Governance, Legislative and Compliance frameworks

Regional Outcomes:

There are no regional outcomes.

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

There are no economic issues.

Social:

There are no specific social issues.

Environmental:

There are no economic issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority Pursuant to Section 7 of the Local Government Act 1995 RESOLVES to:

1. RECEIVE the minutes of the Audit Committee meeting held on 6 December 2011; and
2. DEFER the endorsement of the recommendations made by the Audit Committee:
3. Makes the determination based on the following reasons:
 - a. To be determined by Council

Option 3:

That Council by Simple Majority Pursuant to Section 7 of the Local Government Act 1995 RESOLVES to:

1. NOT RECEIVE the minutes of the Audit Committee meeting held on 6 December 2011; and
2. NOT ENDORSE the recommendations made by the Audit Committee.

CONCLUSION:

The Audit Committee has reviewed the various audit and annual reports provided to the Audit Committee meeting and endorses the recommendations of staff.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority Pursuant to Section 7 of the Local Government Act 1995 RESOLVES to:

1. RECEIVE the minutes of the Audit Committee meeting held on 6 December 2011;
2. ACCEPT the annual financial report and audit opinion for the financial period ending 30 June 2011 for the Shire of Mullewa;
3. RECEIVE the Management Report for the Shire of Mullewa dated 20 October 2011 prepared by UHY Haines Norton and endorses actions taken by staff to resolve any items identified in the management report;
4. ACCEPT the annual financial report FOR THE YEAR ENDING 30 June 2011 for the City of Geraldton-Greenough;
5. RECEIVE the interim Management Report for the City of Geraldton-Greenough dated 2 December 2011 as prepared by Grant Thornton and endorse actions taken by staff to resolve any items identified in the management report.

CS046	RECURRENT GRANT – MID-WEST SPORTS FEDERATION (MWSF)
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AGENDA REFERENCE:	D-11-26343
AUTHOR:	C Wood, Director of Corporate Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	6 December 2011
FILE REFERENCE:	GS/1/0010
APPLICANT / PROPONENT:	Mid-West Sports Federation
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Council's confirmation of the terms of the grant allocated to the Mid-West Sports Federation.

PROPONENT:

Mid-West Sports Federation.

BACKGROUND:

The Mid-West Sports Federation sports foundation was established around 1983 with a grant from the State government. It was established to assist talented regional athletes with travel expenses relating to high performance training / competition / opportunities. Funding will typically only go to athletes who are unable to access other government funding opportunities e.g. DSR, Healthway etc.

Payments to the Foundation are invested in an interest bearing account, with interest drawn down periodically to meet grant requests. The Foundation has always operated on the basis of only allocating the interest rather than the principle, in order to ensure the longevity of the fund and enable it to grow to a more sustainable scale over time. The number and amount of requests varies significantly and there is really no way of knowing how much will be requested and allocated in advance.

In 2004 the Shire of Greenough made an allocation to the Foundation, enabling it to direct requests for funding to the MWSF rather than having to consider and process small grant requests. Since then, the City has also opted to contribute to the Foundation for the same reasons.

In 2009, the City allocated funding of \$5,000 for a 3 year period to the Foundation. This allocation was reviewed annually to ensure that the terms and conditions were complied with.

The terms and conditions for this grant are as follows:

1. Funds are to be allocated to the recipients nominated by the Sports Foundation to assist with their sporting endeavours;
2. Progress reports including a list of recipients with details of the support given to them is to be provided to the City of Geraldton-Greenough by 31 March 2010;

3. Acquittal including an audited Income and Expenditure Statement and a list of the recipients with details of the support given to them is to be provided to the City of Geraldton-Greenough by 30 September 2010.

The \$5,000 from the 2009/10 allocation was invested in the MWSF Foundation account. Interest was drawn down and payments of \$2,720 were made to athletes during 2009/10. The \$5,000 remains invested and continues to earn interest for the Foundation for future allocations.

The CGG grant agreement stipulated that the Community Grant funding was to be allocated to participants. Whilst this does occur, it is only via the method outlined above whereby interest is drawn down and allocated on application over time.

As a result, MWSF's acquittal of the 2009/10 funding is on the basis that the \$5,000 was invested and \$2,720 has been allocated to athletes. The \$5,000 continues to earn interest.

The Foundation acknowledges that this is not consistent with the grant agreement but is in keeping with the original intent and operations of the Foundation. To treat the \$5,000 any differently would not be in keeping with the philosophy of the Foundation account and its mode of operations. As a consequence, MWSF Foundation will have the same difficulty acquitting the 2010/11 and 2011/12 funding.

Given the nature of how the grant allocations have been utilised, the MWSF Foundation will forego the \$5,000 grant for 2010/11 and the \$5,000 allocated in 2009/10 will be acquitted using the 2009/10 and 2010/11 distributions from the interest on the Foundation's account.

The 2011/12 is the final year of the 3 year allocation of funding previously approved by Council.

The MWSF Foundation is seeking Council's approval to receive the 2011/12 allocation upon the acquittal of the 2009/10 funding and a variation to the terms and conditions for this last year to allow the Foundation to continue to utilise the funding as an investment in order to generate interest for reallocation to athletes over 2011/12 and beyond.

This would necessitate Council agreeing to the acquittal of funds as suggested by the Foundation with the total amount to be allocated not known until 30 June 2012 and allowing any balance to remain in the Foundation investment account for growth and future allocation upon request.

COMMUNITY CONSULTATION:

This matter was raised by the MSWF Foundation upon a request from the City for acquittal of funds.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There is currently no policy on recurrent grants.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 1:	Opportunities for Lifestyle
Outcome 1.3:	A Safe, Secure and Supportive Community
Strategy 1.3.2:	Support Volunteers and Community Groups

Regional Outcomes:

The provision of funding to the MWSF Foundation provides athletes in the region to reach their potential.

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

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. NOT APPROVE the acquittal of the 2009/10 grant to the Mid-West Sports Federation against distributions to athletes in the 2009/10 and 2010/11 years;
2. NOT APPROVE the allocation of the 2011/12 grant upon receipt of the 2009/10 acquittal;
3. NOT VARY the terms and conditions of the funding agreement to allow the Mid-West Sports Federation to utilise the funding as an investment to generate funds for distribution; and
4. MAKE the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER a decision on the acquittal of 2009/10 funds, allocation of the 2011/12 grant and the variation to the terms and conditions of the grant; and
2. MAKE the determination based on the following reason:
 - a. To be determined by Council

CONCLUSION:

The allocation of funding to the Mid-West Sports Federation is utilised by the Federation's foundation to provide athletes with the opportunity to reach their full potential. The Foundation utilises the funds as an investment in order to generate interest returns which are then passed onto athletes as required.

The Federation acknowledges that this is not as per the terms and conditions of the allocation of the grant and is seeking Council's endorsement of the 2011/12 grant allocation and a variation to the terms and conditions to allow the funds to be used in this manner.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE the acquittal of the 2009/10 grant to the Mid-West Sports Federation against distributions to athletes in the 2009/10 and 2010/11 years;

2. APPROVE the allocation of the 2011/12 grant upon receipt of the 2009/10 acquittal; and
3. VARY the terms and conditions of the funding agreement to allow the Mid-West Sports Federation to utilise the funding as an investment to generate funds for distribution.

11.3 *Reports of Sustainable Communities*

SC019	FINAL ADOPTION OF LOCAL PLANNING POLICY – SINGLE HOUSE & ANCILLARY STRUCTURES PLANNING ASSESSMENTS
AGENDA REFERENCE:	D-11-24634
AUTHOR:	N Browne, Senior Statutory Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	16 November 2011
FILE REFERENCE:	LP/8/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The advertising period has concluded for the draft policy with four submissions being received. This report recommends final adoption of the policy (included as Attachment No. SC020).

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

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

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

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

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

Council at its meeting held on 12 October 2011 resolved to:

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

Although the four submissions received did not specifically object to the policy comments were provided that warrant Council consideration.

COMMUNITY CONSULTATION:

The policy was advertised in accordance with the provisions of the City of Greater Geraldton Town Planning Scheme No. 3 (Geraldton), Local Planning Scheme No. 5 (Greenough) and Town Planning Scheme No. 1 (Mullewa Townsite).

The advertising period was for 24 days (commencing 21 October 2011 and concluding on 14 November 2011) and involved the following:

1. A notice appeared in the Geraldton Guardian on 21 October 2011 and 28 October 2011;
2. The policy was available on the City's website;
3. The policy was publicly displayed at the Cathedral Avenue office and Mullewa office;
4. The policy was referred to building companies, planning consultants, architects/draftsmen, engineering consultants, shed/patio/ carport builders and retaining wall builders;
5. The policy was also referred to the following:
 - Master Builders Association;
 - Building Commission; and
 - HIA.

Submissions:

As a result of the advertising, a total of four submissions were received. Listed below is a summation of the comments/concerns raised from the public comment period along with the City's response to the comment:

- The requirement is far over and above anything required in the past and since the assessment form would be required for every job it would add time and cost to a client's job.

Response – The planning assessment is not a new practice, it has always been done however given the new requirements of the Building Act the City is merely formalising the current standard practice into a documented form.

- As the assessment could be considered excessive for small additions maybe the assessment (or fee) could be waived for jobs under \$50,000.

Response – Regardless of the type or cost of the development the same planning assessment is required to be undertaken to determine if a planning application is required and therefore the same fee should also apply.

- Will the City's fee for the building permit be reduced to help counteract this new additional cost.

Response – The Building Act stipulates the applicable building permit fee.

- The City needs to clarify who is deemed to be "another provider". The concern relates to potential problems with consistency of planning outcomes if "another provider" is not appropriately experienced in the use of the R Codes and relevant local planning policies.

Response – The Planning and Development Act 2005 (as amended) does not specify who is deemed to be a "provider" and as such the City cannot legally stipulate who can be a suitable "provider" within the local planning policy.

However it is considered that slight amendments to the wording of Clause 4.4 will help further clarify the City's intent of the policy.

- Clause 4.1.4(h) refers to known contaminated sites. This is considered deficient where a site may potentially be contaminated, due to current or past activities but does not yet have a formal classification and/or an applicant withholds such information about potential contamination issues.

Response – There is separate legislation that deals with contamination issues. It is noted that this policy only relates to single residential dwellings and ancillary structures. The Schemes do not specify that a planning application is required if a site has ever been used for an activity known to cause contamination.

- The wording of clause 4.1.2 should be reworded to reflect the correct wording of Town Planning Scheme No. 3 (Geraldton) where it stipulates that planning consent is not required for a single house where it conforms to the Residential Design Codes.

Response – Clause 4.1.2 has been worded in order to encompass the provisions of the four Schemes and Interim Development Order applicable to the City and not just Town Planning Scheme No. 3 (Geraldton).

- The last paragraph of clause 4.2.1 is badly worded as wouldn't the City be requiring a new planning application if the submitted plans contain items inconsistent with the current approved plans.

Response – The City wouldn't necessarily require a new application if the submitted plans contain items inconsistent with the current approved plans. The amended plans may still comply however a new planning assessment is required to be undertaken in order to determine if in fact it does comply or whether a new planning application is required.

- Needs some definitions (e.g. ancillary structures, provider).

Response – This point is noted and it is recommended that a definition for "ancillary structures" be included in the local planning policy, however a definition for "provider" cannot be included for the reasons already mentioned above.

It is noted that there were other comments provided however these were statements and opinion which related to internal processes within the Town Planning Services Team rather than the actual local planning policy.

Some minor wording changes in order to address the relevant comments above have been incorporated into the policy.

Copies of the actual submissions are available to Council upon request.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

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

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.4: Develop, apply and regulate effective planning schemes, building regulations and policies.

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 & heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

That Council by Simple Majority RESOLVES to DEFER the application.

CONCLUSION:

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

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

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

EXECUTIVE RECOMMENDATION:

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

1. ADOPT for final approval the "Single House & Ancillary Structures Planning Assessments" Local Planning Policy subject to the amending clauses 4.4.1, 4.4.2 and 4.4.3 to read as follows:
 - 4.4.1 *The City can provide a planning assessment for a fee or the proponent can provide their own planning assessment;*
 - 4.4.2 *The City will only accept a planning assessment if it is fully completed on the attached form and may check the accuracy of planning assessments; and*
 - 4.4.3 *NOTE: A planning assessment is not to be construed as a planning approval. A planning assessment will only determine if a development is exempt from requiring the planning approval of the local government. If a development requires a planning approval there is a separate process and fee applicable. A planning approval can only be issued by the local government.*
2. GIVE public notice of the above.

SC020	FINAL ADOPTION OF TOWN PLANNING SCHEME AMENDMENT NO. 61 AND ASSOCIATED DESIGN GUIDELINES – MIXED USE REZONING MARINE TERRACE, GERALDTON
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AGENDA REFERENCE:	D-11-25386
AUTHOR:	N Browne, Senior Statutory Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	24 November 2011
FILE REFERENCE:	LP/7/0026
APPLICANT / PROPONENT:	Urbis Pty Ltd
ATTACHMENTS:	Yes (x3)

SUMMARY:

The advertising period has concluded for Scheme Amendment No. 61 which proposes to rezone Lots 1, 9, 10, 20, 21, 27, 41, 50, 99, 406, 407 and 3052 Marine Terrace, Lot 32 Burges Street, Lots 8 and 9 Pollard Street and Lot 20 Cunningham Street, Geraldton to 'Mixed Use'.

Advertised concurrently were a set of Design Guidelines that were prepared to facilitate and guide land use and development within the new 'Mixed Use' zone.

This report recommends final approval of the Amendment and associated Design Guidelines and that the Amendment be forwarded to the Minister for Planning for final endorsement.

PROPONENT:

The proponent is Urbis Pty Ltd.

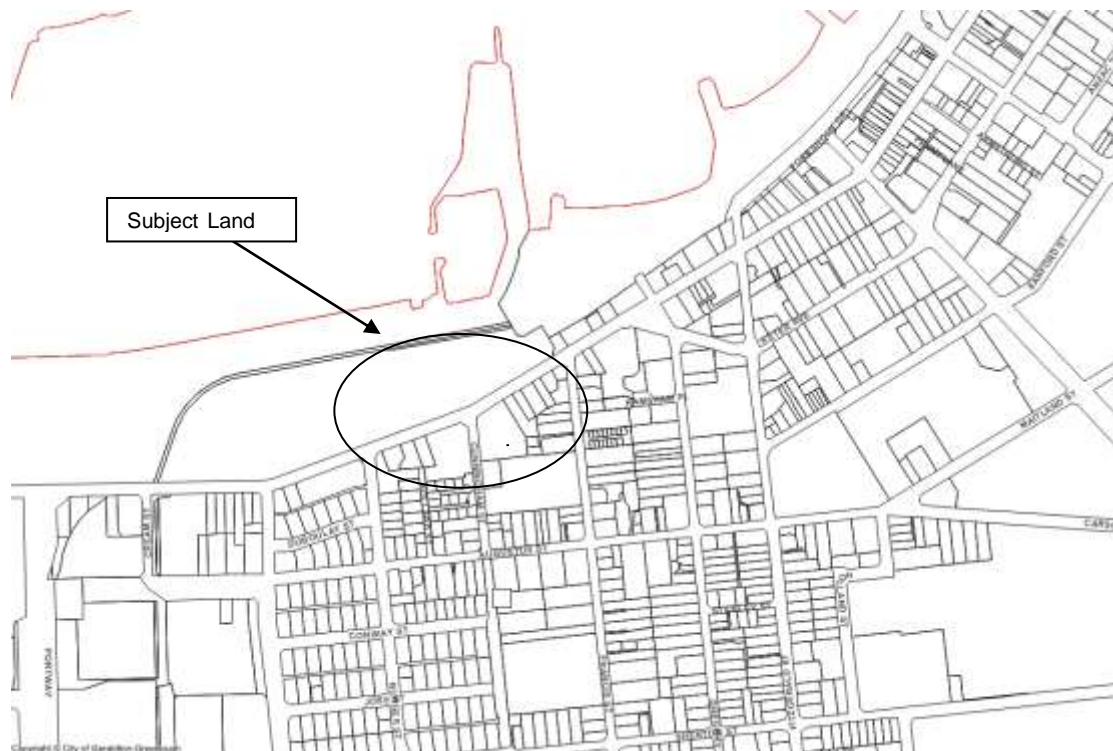
BACKGROUND:

The proponent has sought to rezone Lots 406 and 407 Marine Terrace to 'Mixed Use' in order to allow this land to be used and developed as serviced apartments. The proponent believes this use is appropriate in the context of facilitating a mixed use transition between intense commercial and retail development in the City Centre and surrounding residential areas.

Detailed design considerations for the serviced apartments will be finalised in the future through the preparation of a development application.

Rather than deal with this request for rezoning in isolation, it was considered appropriate to also rezone the lots between the Lots 406 and 407 and Francis Street, particularly as these lots are located at the fringe of the City Centre zone.

Current land use and development within the above precinct includes offices, car service centre and a service station. One of the properties was also formerly used as backpacker's accommodation however has remained vacant for some time.

Locality Plan:

The subject lots, situated between Cunningham Street and Francis Street are located approximately 800m to the west of the City Centre. The site is bounded by Port Authority and foreshore land to the north, a mix of commercial, retail and residential development to the east being the fringe of the City Centre zone, small scale commercial and low to medium density residential development to the south and commercial and residential development to the west.

The above location context, combined with the nature of land use and development in the precinct and the need for additional services and facilities to compliment the growth of Geraldton indicate that a 'Mixed Use' zone would be logical and appropriate for the area.

The proponent believes a rezoning to 'Mixed Use' will allow for additional land use and development outcomes which will assist in stimulating development and redevelopment in the precinct, leading toward overall amenity improvements in the precinct and for the surrounding area.

The Amendment was referred to the Western Australian Planning Commission (WAPC) for consent to advertise. The WAPC subsequently advised of its consent for the Amendment to be advertised for public inspection subject to the following modifications being effected prior to advertising:

1. Land subject to the amendment is extended to encompass Lots 50, 99, 20, 21, 41, 3052, 407, 406, 27, 1, 9 and 10 Marine Terrace, Lot 32 Burges Street, Lots 8 and 9 Pollard Street and Lot 20 Cunningham Street.
2. Lots 41 and 10 Marine Terrace and Lot 20 Cunningham Street retain their existing 'Additional Use' as listed in Schedule 2 of Town Planning Scheme No. 3 (Geraldton).

The modification required by the WAPC has essentially increased the area proposed to be rezoned by including those additional properties to the west that also currently have an additional use right under Town Planning Scheme No. 3 (Geraldton).

In order to achieve certain built form outcomes and ensure a high quality design a set of Design Guidelines have also been formulated by the proponent in consultation with the City. The intent of the Design Guidelines is outlined within the 'Statutory Implications' section of this report (see below).

A copy of the Scheme Amendment maps and an Information Sheet outlining how the Scheme Amendment has progressed inclusive of the modifications required by the WAPC is included as Attachment SC021A. A copy of the Design Guidelines is included as Attachment SC021B.

COMMUNITY CONSULTATION:

The Scheme Amendment and Design Guidelines were publicly advertised concurrently in accordance with the provisions of the Planning and Development Act 2005.

The advertising period commenced on 30 September 2011 and concluded on 14 November 2011 and involved the following:

1. All landowners within 100m radius of the subject properties were written to and advised of the proposed amendment;
2. A public notice appeared in the Geraldton Guardian on Friday 30 September 2011 and in the Midwest Times on Thursday 27 October 2011;
3. A sign was placed on-site;
4. The amendment details were available on the City's website;
5. The amendment details were publicly displayed at the Civic Centre;
6. The amendment was included as an item in YourView; and
7. The amendment was referred to the following:
 - Heritage Council
 - Midwest Development Commission
 - Telstra
 - Department of Planning (Tourism)
 - WA Gas Networks
 - Water Corporation
 - Western Power
 - Department of Water

- Australia Post
- Department of Education
- Department of Indigenous Affairs
- Fire & Emergency Services Authority

Scheme Amendment Submissions:

As a result of the advertising, a total of 11 submissions were received (7 in support and 4 with no objection to the application), however the following comment was provided by the Department of Planning (Tourism):

In terms of tourism, it is important that the City gives due regard to the compatibility of the existing uses with any future/proposed tourism use(s) to avoid potential conflicts.

A 'Schedule of Submissions' is included as Attachment No. SC021C and copies of the actual submissions are available to Council upon request.

Design Guidelines Submissions:

As a result of the advertising, one submission was received. Listed below is a summation of the comments/concerns raised from the public comment period along with the City's response to the comment:

- Concern with the proposed height restrictions which are prescribed in both metres and in storeys and the nexus between the increased height of a building and the need to provide for a higher standard of construction. The development envisaged by the submitter's client is expected to be in the order of 16m high but is intended to be 5 storeys in height. The 4 storey height limit would have the effect of reducing the number of serviced apartments that could be developed on the site to the extent that the development would not be feasible and would not proceed.

In addition, the objectives relating to building height do not address the significance of limiting the storeys (as opposed to the overall height) and as such the limit in terms of storeys seems superfluous and unnecessary.

Short stay accommodation is a use that is encouraged in the Precinct as outlined in the Land Use Element of the Guidelines. Deletion of the restriction on the number of storeys from the Design Guidelines would eliminate an element of uncertainty for the submitter's client and would assist in facilitating a form of development that is encouraged by the Guidelines.

Comment – The profile of the City is an important aspect that needs to be considered and there should be a smooth transition from residential to commercial areas. Large, sudden changes (e.g. tall commercial buildings overshadowing single storey residential buildings) creates a jarring effect and a sense of being 'under surveillance' and

diminishing amenity of the urban lifestyle. The City should generally have a uniform shape that comfortably moves from 1, 2 or 3 storey developments on the edges of the city centre to 4 to 5 storey buildings (and in excess of 5 storeys in particular cases) in the heart of the CBD.

The prescribed building height for this Precinct follows the principles of the adopted City Centre Planning Policy. However it is important to note that the Precinct subject to these Design Guidelines will be zoned Mixed Use and not City Centre therefore the prescribed building height is reflected accordingly.

Although the Design Guidelines will specify allowable building height it is also important to note that the Design Guidelines still provide an avenue for higher buildings to be considered by way of addressing the Additional Criteria for Height Bonuses element.

Furthermore clause 1.5 of the Design Guidelines clearly states that the Design Guidelines do not dictate style or taste, but rather provides a framework that can accommodate both concepts of flexibility and certainty. It is not intended that these Design Guidelines be applied rigidly, but each application be examined on its own merits, with the objectives and intent of the Design Guidelines the key for assessment. The City encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the City is open to considering well presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken for major projects and the orderly and proper planning of the city.

- Many of the provisions, namely guideline (d) and (j) of the Additional Criteria for Height Bonuses element have significant cost implications that could outweigh any cost benefit gained by additional building height and would therefore be disincentives to proposing development above 7m (2 storeys). Guideline (d) which requires a 4 Star NABERS rating and a +20% improvement on the BCA part J are of particular concern in terms of generating uncertainty. The cost implications of these additional requirements can only be determined at the building licence stage, once detailed construction drawings are completed, reviewed and certified. Even with an approved development application, the cost implications may remain unknown.

The majority of development that would occur within the City of Greater Geraldton would be less than 7m in height. If the requirements outlined in the Additional Criteria for Height Bonuses element are of

key importance to the City it would be appropriate to require the majority of development within the City to meet these standards and not just taller buildings within the City.

Comment – It is considered vital to the sustainability of the City that the commercial benefit of additional height result in a better quality design of buildings. Selecting the best mix of design innovation, technology and materials in the design of buildings and cities plays a major role in meeting sustainable building and green design initiatives.

In summary a base line needs to be established from which to work, these Design Guidelines set the framework but are no means the final design consideration for the area. The City is seeking innovation in building design to provide for something unique that is not based solely on picking up a standard design from one area and dropping it onto a site in Geraldton. The City will have due regard to the Additional Criteria however the final determination of whether a development achieves compliance will depend on a number of variables. Each application for development would be examined on its merits, with the objectives and intent of the Design Guidelines the key for assessment.

COUNCILLOR CONSULTATION:

The amendment was previously considered by Council at the meeting held on 19 April 2011 when the rezoning was initiated.

STATUTORY IMPLICATIONS:

Under Town Planning Scheme No. 3 (Geraldton) Lots 50, 99, 20, 21, 41, 3052, 27, 406, 407, 1 & 10 Marine Terrace, Lot 32 Burges Street, Lots 8 and 9 Pollard Street and Lot 20 Cunningham Street are currently zoned 'Residential R12.5/30/50' with additional uses applying to the following lots:

- Lot 50 Marine Terrace (Office, Professional Office)
- Lot 20 (previously Lot 51) Marine Terrace (Restaurant)
- Lot 41 Marine Terrace (Motor Vehicle Sales/Service)
- Lot 1 Marine Terrace (Office)
- Lot 10 Marine Terrace (Service Industry)
- Lot 32 Marine Terrace/Burges Street (Shop, Service Industry)
- Lots 8 and 9 Pollard Street (Office)
- Lot 20 Cunningham Street (Motor Vehicle Sales/Service)

Lot 9 on the corner of Francis Street is currently zoned 'Special Use (Service Station)'.

The primary intent behind the amendment is to allow Lots 406 and 407 to be used and developed as serviced apartments. This type of use is not permitted in the 'Residential' zone. The proposed scheme amendment will rezone the land to 'Mixed Use' thus allowing this type of use on the properties.

From a precinct based planning perspective, it would be logical and appropriate to rezone all lots fronting Marine Terrace between Francis Street and Burges Street to the 'Mixed Use' zone.

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

Design Guidelines

Clause 4.17.2 of Town Planning Scheme No. 3 (Geraldton) requires the preparation and approval of a set of design guidelines to facilitate and guide land use and development within an area zoned 'Mixed Use'.

The design guidelines are required to address criteria such as height, plot ratio, setbacks, car parking, land uses, heritage considerations, pedestrian access, landscaping and streetscape, building materials, public art and desired urban character.

In accordance with the clause 4.17.2 the proponent has prepared Design Guidelines for the entire Scheme Amendment area, being the Marine Terrace, Burges Street and Francis Street foreshore precinct.

Key Elements of the Design Guidelines are as follows:

Land Use:

The Design Guidelines promotes key objectives and guidelines of what type of land uses are encouraged within the Precinct whilst ensuring there is compatibility and an appropriate transition to adjacent residential areas.

Site Planning and Design:

The Design Guidelines advocates that new developments make a positive contribution to the streetscape whilst also acknowledging relevant heritage considerations.

Building Height:

The Design Guidelines promotes a podium height which represents the desired urban character of the area and a smooth transition from the edges of the city centre to the core area of the CBD.

The general height limit promoted is a podium height of 2 storeys (7m) and a total building height of 4 storeys (16m). This podium height is considered an "as-of-right". Buildings proposed to be above the podium height are required to address additional criteria in order to gain additional height.

Setbacks:

The Design Guidelines essentially promotes a maximum setback of 2.5m from the street boundary for the podium height and a setback of 3m for development over the podium.

Additionally side and rear boundary setbacks between Mixed Use zoned land within the Precinct and surrounding land zoned Residential shall be a minimum of 3m and accord with the relevant privacy provisions of the R-Codes. Variations to this requirement can be considered where non-residential uses are located on Residential zoned land.

Heritage:

The Design Guidelines seek to conserve the significant fabric and appearance of heritage listed places, ensure that development in the Precinct does not adversely affect the significance of heritage places and to ensure that any redevelopment or additional development on heritage listed places appropriately responds to the character of the site and its streetscape.

Plot Ratio:

The Design Guidelines advocates a plot ratio for the Precinct of 2.5:1. The plot ratio may be increased to a maximum of 3:1, provided that at least half of the plot ratio is dedicated to residential use.

Façade Treatment and Building Articulation:

The Design Guidelines promotes buildings of articulated design and massing, with facades that enhance the streetscape and visual identity of the Precinct. The provision of built form of architectural quality and visual interest is strongly encouraged.

Car Parking and Access:

The Design Guidelines promotes the provision of adequate car parking on-site to cater for the land use proposed, and in the case of residential development, the type, number, and size of dwellings and to also facilitate safe, convenient and efficient vehicle access, egress and circulation.

Pedestrian Access:

The Design Guidelines seek to facilitate a safe, accessible, convenient and efficient pedestrian access throughout the Precinct, and to and within specific sites. Along with this the Design Guidelines promote development which is well connected to the street and contributes to the accessibility of the public domain.

Landscaping:

The Design Guidelines advocate the provision of an attractive setting for the development, improvement of the microclimate and solar performance with the development, improvement of storm water quality and the provision of a landscaping design that is in scale with built form and cognisant of the surrounding streetscape character.

Public Art and Design:

The Design Guidelines requires that public art is provided in accordance with the City's Public Art Guidelines with the public art being either incorporated into the development design, be located within nearly public lands (subject to appropriate approvals) or a contribution could be made to the City for the provision of public art.

Residential Design Codes of Western Australia:

The Design Guidelines seek to ensure that residential development and mixed use development has regard to the objectives and intent of the R-Codes and to encourage residential land uses within the Precinct through the application of the multiple dwelling provisions of the R-Codes.

Additional Criteria for Height Bonuses:

The Design Guidelines provides criteria for assessing development above the podium height up to 16m (4 storeys). Meeting the additional criteria will enable the City to consider development that proposes additional heights.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.4: Develop, apply and regulate effective planning schemes, building regulations and policies.

Regional Outcomes:**Geraldton Regional Centre Strategy 2005:**

This Strategy developed a long-term strategic plan to secure the viability and attraction of the Geraldton Regional Centre as the primary commercial, community and tourist focus for the Mid West region. The subject land is located within 'Precinct 4 – West End' which supports mixed commercial and residential development outcomes.

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

The amendment will potentially facilitate the development of a range of mixed uses which could include tourist accommodation, offices, consulting rooms, restaurants, small scale shops and community and cultural uses.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

Both Lots 27 and 406 contain buildings which are included within the City's Municipal Inventory of Heritage Places. These buildings have been afforded a category 2 and category 6 respectively. The Geraldton Cultural Trust building located on Lot 3052 is also included on the City's Municipal Inventory as a category 1 place and is listed on the State Register of Heritage Places. It is noted that the Heritage Council has supported the inclusion of Lot 3052 in the Scheme Amendment.

Consideration of any future applications for planning approval on these lots will have due regard to the City's Municipal Inventory of Heritage Places, Heritage Conservation and Development Policy and the provisions of Town Planning Scheme No. 3 (Geraldton).

Heritage is also a key element of the Design Guidelines with provisions being included to ensure that development in the Precinct does not adversely affect the significance of heritage places and to ensure that any redevelopment or additional development on heritage listed places appropriately responds to the character of the site and its streetscape.

RELEVANT PRECEDENTS:

Council, at its meeting held on 23 December 2008 gave final approval to Amendment No. 42. This amendment introduced the new 'Mixed Use' zone into Town Planning Scheme No. 3 (Geraldton) and subsequently rezoned a portion of the St Patrick's College site fronting George Road (directly east of Northgate) to 'Mixed Use'. The Minister for Planning granted final approval to Amendment No. 42 on 11 November 2009.

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:

1. Pursuant to Part 5 of the Planning and Development Act 2005 RESOLVES to:
 - a. REFUSE to adopt for final approval Scheme Amendment No. 61 to Town Planning Scheme No. 3 (Geraldton); and
 - b. MAKES the determination on the grounds that approval of the amendment would create an undesirable precedent and compromise the orderly and proper planning of the locality.
2. Pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:
 - a. REFUSE to adopt for final approval the Design Guidelines for the Marine Terrace, Burges Street and Francis Street Foreshore Precinct; and
 - b. MAKES the determination on the grounds that approval of the Design Guidelines would compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the application.

CONCLUSION:

It is clearly evident that the form and function of land use and development in the precinct is not in accordance with the 'Residential' zone and has been mixed for a significant period of time. There is a discrepancy between the current zoning and 'on the ground' land use and development. This is acknowledged with eight of the properties having 'Additional Use' rights and another one being zoned 'Special Use' specifically for a service station use.

Given the above it is considered that a 'Mixed Use' zone would be logical and more appropriate for the area.

The proposed Scheme Amendment will facilitate the establishment of an appropriate transition of land use and development between the Geraldton City Centre and surrounding residential areas. A mix of complimentary land uses will be facilitated at a high standard of built form through the application of the comprehensive Design Guidelines for the Precinct. The Design Guidelines will also ensure a continuity of an adopted design preference regardless of any changes in ownership.

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

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

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority:

1. Pursuant to Part 5 of the Planning and Development Act 2005
RESOLVES to:
 - a. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
 - b. ADOPT for final approval Scheme Amendment No. 61 to Town Planning Scheme No. 3 (Geraldton) as modified by the Western Australian Planning Commission prior to advertising;
 - c. SEEK final approval of the Scheme Amendment from the Minister for Planning;
2. Pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton),
RESOLVES to:
 - a. ADOPT for final approval the Design Guidelines for the Marine Terrace, Burges Street and Francis Street Foreshore Precinct;
and
 - b. GIVE public notice of the above.

SC021	PROPOSED ROAD NAMES – LOT 9005 DEEPDALE ROAD, DEEPDALE
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AGENDA REFERENCE:	D-11-25397
AUTHOR:	K Elder, Senior Strategic Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	28 November 2011
FILE REFERENCE:	RO/7/0001
APPLICANT / PROPONENT:	C.F Smart Pty Ltd
ATTACHMENTS:	Yes

SUMMARY:

The City has received a request to approve and assign 4 new road names to the roads being created as part of the subdivision of Lot 9005 Deepdale Road within the Narngulu Industrial Estate.

This report recommends approval of the Road Names and that they are forwarded to the Geographic Names Committee for final approval.

PROPONENT:

The proponent is C.F Smart Pty Ltd.

BACKGROUND:

The following information in support of the road names has been provided.

The proposed road names recognise the significant historical contribution to Mid West agriculture and regional development by the Smart family. Lot 9005 is being developed by C.F Smart Pty Ltd, owned by Christopher Smart, the grandson of Sir Eric Smart, and the son of Peter and Faye Smart.

Sir Eric Smart pioneered light land farming in the Mid West and received an OBE and Knighthood for his services to agriculture in Western Australia.

Following the death of his father, Peter Smart continued to improve and introduce new methods of farming and was highly regarded by the farming industry.

The following names are proposed for the site. They are basically 'farm' names in the Mid West and surrounding areas that the Smart family are connected with.

Bundaleer

- Aboriginal meaning – 'stony place'.
- This is the area in South Australia where Sir Eric spent his early years, and is also a section of his Erregulla Plains property (located near Mingenew) which was purchased by the family in the 1950s. The farm is still owned and run by Sir Eric's grandson.

Yarryana

- Named after the Yuwarana Spring on the Yarryana section of Erregulla Plains.

Wicka

- Aboriginal meaning – ‘muddy water’.
- The area, located in the Chapman Valley, was first settled in the late 1890’s and was purchased by the Forrester family in the early 1900’s.
- The Smart family purchased the farm in 1993.
- The farm is still owned and farmed by Peter Smart’s son.

Minda

- Aboriginal meaning – ‘place of shelter and protection’.
- Minda was the first section of the Chapman Valley property purchased by Peter Smart in 1977 which is now as a whole known as Wicka.

A plan demonstrating the application of the road names within the future subdivision is included as Attachment No. SC022.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Landgates Geographic Names Committee is responsible under the Land Administration Act 1997 for the final approval of road names. The Geographic Names Committee deems, under their road naming guidelines, that the following are not suitable:

- names of living persons;
- first names;
- derogatory or discriminatory names;
- company or commercialised names; and
- names that are duplicated or similar to existing road names within a 50km radius.

The proposed road names do not conflict with these guidelines.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

There are no strategic community plan outcomes.

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:

The proposed road names are associated with agriculture in the Midwest Region, specifically from around the Mingenew and Chapman Valley localities.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority RESOLVES to:

1. REFUSE the road names 'Wicka', 'Yarryana', 'Minda' and 'Bundaleer'.
2. MAKES the determination based on the fact that the names are not considered appropriate for use in the municipality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the application.

CONCLUSION:

Option 2 is not supported as the proposed road names recognise the significant historical contribution to Mid West agriculture and regional development by the Smart family and are basically 'farm' names in the Mid West and surrounding areas area that the Smart family are connected with.

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 section 26A of the Land Administration Act 1997 RESOLVES to:

1. APPROVE the road names 'Wicka', 'Yarryana', 'Minda' and 'Bundaleer'; and
2. FORWARD the road names to the Geographic Names Committee for final approval.

SC022	PROPOSED MODIFICATION TO MORESBY RURAL RESIDENTIAL LOCAL STRUCTURE PLAN
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AGENDA REFERENCE:	D-11-25636
AUTHOR:	K Elder, Senior Strategic Planner
EXECUTIVE:	P Melling, Director of Sustainable Communities
DATE OF REPORT:	28 November 2011
FILE REFERENCE:	LP/11/0003
APPLICANT / PROPONENT:	HTD Planners and Surveyors
ATTACHMENTS:	Yes (x2)

SUMMARY:

A request has been received to modify the endorsed local Structure Plan for the Moresby Rural Residential area by permitting a variation to the minimum lot size.

This report recommends that the modification to the Structure Plan be adopted and that it be forwarded to the WA Planning Commission for final endorsement.

PROPONENT:

The proponent is HTD Surveyors and Planners.

BACKGROUND:

Council at its meeting held 24 June 2008, resolved to adopt the Moresby Rural Residential Subdivision Guide Plan as part of Scheme Amendment No. 137 to Town Planning Scheme No. 4 (Greenough) which amended the minimum lot size for the area to 1ha.

It has been identified that there are a number of lots within this area that are only slightly below 2 hectares and as such are not able to be subdivided under the current Structure Plan.

The modification proposes that the minimum lot size remain as 1ha however a variation of the minimum lot size up to 10% be permitted to 1 proposed lot to allow for subdivision into not more than 2 allotments. Ultimately this will allow a lot of 1.9ha and above to be subdivided into 2 lots, one of which will not be under 1ha.

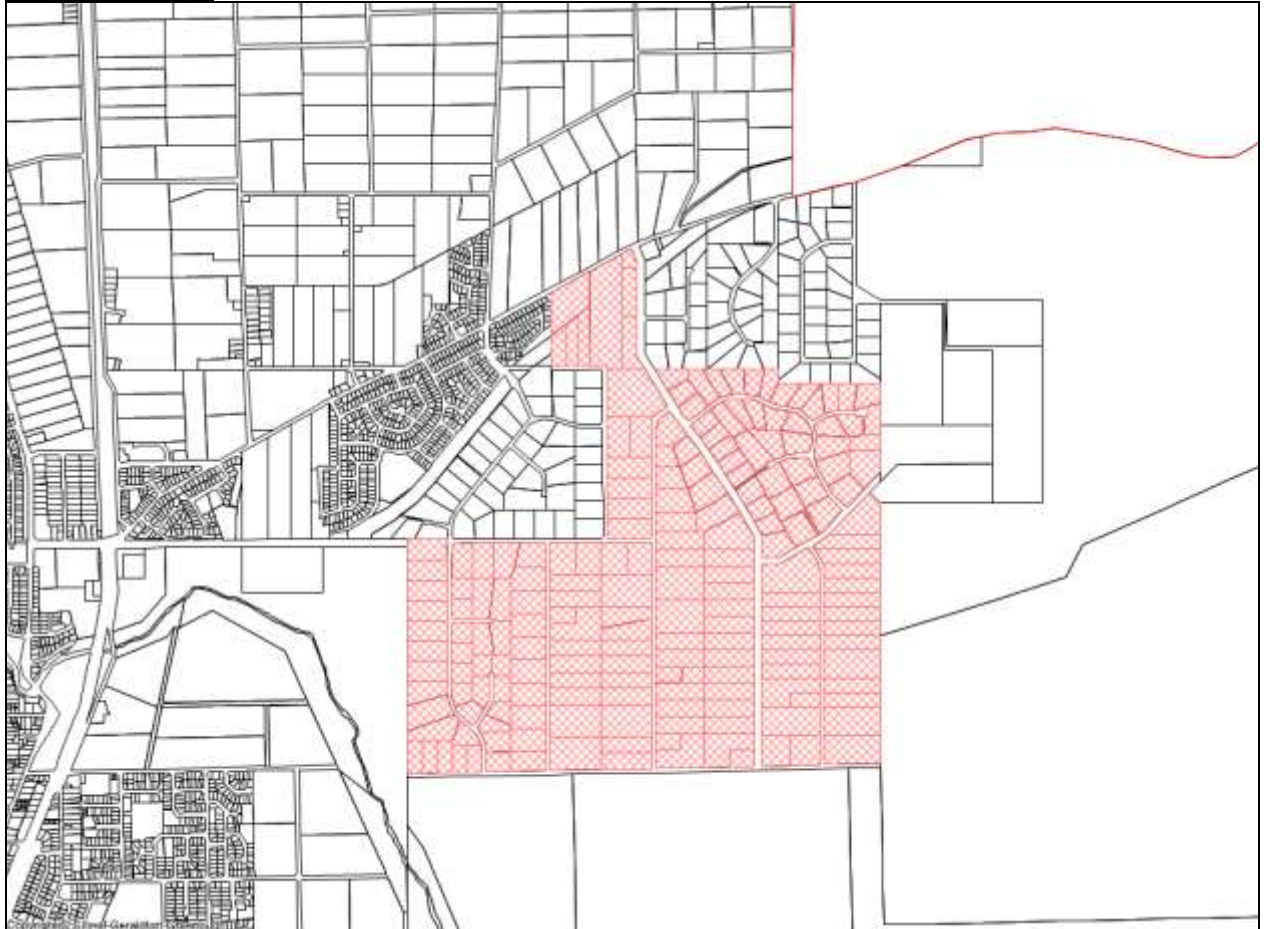
A similar type of variation is available within the Residential Design Codes of WA.

The proposed modification will allow for the creation of an additional 12 lots within the Moresby Rural Residential Local Structure Plan area.

The notes on the Structure Plan have also been amended to reflect the gazettal of Local Planning Scheme No. 5 (Greenough) and to improve clarity.

The proposed modified Local Structure Plan is included as Attachment No. SC023A.

Locality Plan:



COMMUNITY CONSULTATION:

The Local Structure Plan was publicly advertised in accordance with the provisions of the City of Greater Geraldton Local Planning Scheme No. 5 (Greenough).

The advertising period was for 21 days (commencing on 27 October 2011 and concluding on 21 November 2011) and involved the following:

1. All landowners affected by the modification were written to and provided with a copy of the Structure Plan;
2. A notice appeared in the Midwest Times on 27 October 2011;
3. The Structure Plan was available on the City's website;
4. The Structure Plan was publicly displayed at the Civic Centre;
5. The Structure Plan was referred to the following:
 - Department of Agriculture and Food
 - Department of Education
 - Department of Environment & Conservation
 - Department of Health
 - Department of Indigenous Affairs

- Department of Water
- Fire & Emergency Services Authority
- Main Roads WA
- Telstra
- WA Gas Networks
- Water Corporation
- Western Power

Submissions:

As a result of the advertising, a total of 8 submissions were received (5 in support and 3 with no objection).

A 'Schedule of Submissions' is included as Attachment No. SC023B and copies of the actual submissions are available to Council upon request.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The subject land is zoned 'Rural Residential' under Local Planning Scheme No. 5 (Greenough). The objective for the 'Rural Residential' zone is:

To provide for the use of the land for residential purposes in a rural setting for alternative rural-residential lifestyle while preserving the amenity of such areas, ensure landscape protection and conservation, and controlling land use impacts.

Clause 5.17.14 of the Scheme provides for the varying of Structure Plan as follows:

5.17.14.1 The local government may vary a structure plan:

(a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The modification to the Local Structure Plan will facilitate additional lots for future rural 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.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 4 Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.1: Lead the development of innovative, strategic and sustainable urban, rural and regional planning.

Local Planning Strategy:

The purpose of this document is to identify the likely land uses that will be established and indicate the preferred location for these land uses. The subject land is identified as 'Rural Residential'.

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 'Rural Living' on the structure plan.

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 required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to Clause 5.17.14 of Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. REFUSE to adopt the modified Moresby Rural Residential Local Structure Plan; and
2. MAKES the determination on the grounds that adoption of the modified Plan would compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the application.

CONCLUSION:

The modification to the existing Moresby Rural Residential Local Structure Plan does not lower the minimum lot size, but allows for a minor 10% variation to the minimum lot size for lots only slightly less than 2ha. In essence this will allow a lot of 1.9ha and above to be subdivided into 2 lots, one of which will not be under 1ha.

Option 2 is not supported as the modification does not alter the intent for the Structure Plan which is to facilitate the orderly development of the Moresby locality with accord with its 'Rural Residential' zone.

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

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Clause 5.17.14 of Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. ADOPT the modified Moresby Rural Residential Local Structure Plan; and
2. FORWARD the modified Plan to the WA Planning Commission for its endorsement.

SC023 ADOPTION OF THE CLIMATE CHANGE POLICY

AGENDA REFERENCE:	D -11-25678
AUTHOR:	G W M Chadwick, Manager Environmental Health and Sustainability
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	28 November 2011
FILE REFERENCE:	EM/9/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes x 3

SUMMARY:

This agenda item recommends Council adopt a Climate Change Policy to demonstrate its commitment towards the City addressing climate change in its future decision making.

The Climate Change Policy provides a formal mechanism to ensure ongoing efforts towards preparing the City for the potential future impacts of climate change. It provides certainty towards the implementing the Climate Change Adaptation Plan reports that were received by Council in 2010 for the Batavia Regional Organisation of Councils incorporating the former City of Geraldton-Greenough) and Midwest Regional Council (incorporating the former Shire of Mullewa) respectively. The draft Climate Change Policy is attached as Attachment No. SC024A

PROPONENT:

City of Greater Geraldton.

BACKGROUND:

On 6 July 2010 the City of Greater Geraldton resolved:

That Council by Simple Majority under powers of Section 5.14 of the Local Government Act 1995 RESOLVES to:

- 1. Receive the BROCC Climate Change Adaptation Plan Project;*
- 2. AUTHORISE the City to publish the report to the general public with permission from other members of Batavia Regional Organisation of Councils; and*
- 3. REPORT back to Council on the financial implications on the implementation of the strategies in the BROCC Climate Change Adaptation Plan.*

There is no record of a Council resolution on the report by the former Mullewa Shire Council.

Since these meetings both adaptation plans have been published and a report is to be prepared following detailed workshops to be held this month with key staff, managers, executive and Councillors.

In September 2011 a Climate Change Coordinator was appointed in partnership with Northern Agriculture Catchment Council to progress the City's Climate Change Program. One of the delivery milestones for the position was to develop a suitable Climate Change Policy for the City.

COMMUNITY CONSULTATION:

The City has engaged with the Community through the Beyond 2029 Project receiving input on Climate Change from a community perspective.

COUNCILLOR CONSULTATION:

Councillor consultation occurred during the making of the BROCC Climate Change Adaptation Report. One of the previous Councillors on the project steering group, Councillor Desmond Brick has since been re-elected to Council and is a Council Champion, along with Natural Resources Management (NRM), Water, Biodiversity & Climate Change Champions; Councillor T Thomas, Councillor D Brick, Councillor J Clune, Councillor I Middleton as elected at the Ordinary Meeting held on 27 November 2011.

Previously in the absence of a formal Council represented steering group or champions, regular management group meetings have been attended by City staff including; Manager Environmental Health and Sustainability, Manager Regional Waste Services, Manager of Information Services and one on one sessions held with the Manager Infrastructure Planning and Design and Manager Town Planning. The draft policy has also been presented to the Executive Management Team and distributed for comment to Managers.

STATUTORY IMPLICATIONS:

Much of the legislative framework relevant to decisions impacted by climate change relates to land use planning in terms of appropriate setbacks and the design of hard infrastructure such as roads, paths, drainage and buildings. There are potential litigation cases relating to developments particularly in coastal areas where infrastructure or buildings are affected by rising sea levels and storm surge events. Much of the legislation relates to the due diligence required by Councils in making appropriate decisions on matters concerning property development and their associated risk liability.

Australian Government legislative frameworks can be found at; <http://www.climatechange.gov.au/> and action on adapting to climate Change at; <http://www.climatechange.gov.au/government/adapt.aspx>

POLICY IMPLICATIONS:

This agenda proposes a new Policy that is consistent with the attached model (see Attachment No. SC024C) prepared by WA Local Government Association and is intended to demonstrate Council's commitment and ensures the City refers to the policy in relation to its future planning. This policy relates directly to the existing Towards Sustainability Framework Policy adopted by Council on 07 September 2010. The Towards Sustainability Frame Policy is attached as Attachment No. SC024B.

FINANCIAL AND BUDGET IMPLICATIONS:

It is difficult to provide an estimate of budget implications on the implementation of this policy and for that matter the implementation of the adaptation plan. Broadly speaking actions can be accommodated where possible in routine budgeting processes. It is generally accepted that to **not** plan actions towards adapting to climate change impacts will result in greater costs to future ratepayers and the consequences worsen than the present. Attached is a fact sheet on Climate Change – potential impacts and costs for Western Australia as a guide.

A workshop scheduled for 14th December 2011 aims to identify some of the major costs and funding opportunities associated with implementing the Climate Change reports.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan:**

This proposed Policy relates to the following references to the Strategic Community Plan 2011-2021;

Goal 4: Opportunities for Sustainability

Outcome 4.3: Environmental sustainability

Strategy 4.3.1: Advocate and progress towards zero waste and carbon neutrality principles and practices and progress towards climate change mitigation and adaptation principles and practices.

Regional Outcomes:

This Policy relates only to the City of Greater Geraldton but indicates strong leadership in the region to commit to actions on adapting to climate change. It also demonstrates a commitment towards achieving the actions identified by BROC and Midwest Regional Council.

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

There are positive economic impacts of the policy in that Councils preparing for climate change will have a more informed capacity to ensure current and future assets are properly planned, protected and managed in the future.

Social:

There are no social issues.

Environmental:

The policy is intended to enable the City to address some environmental issues affected by potential impact of climate change.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

The WA Local Government Association has provided a model to guide Councils in WA in order to assist them make a suitable Climate Change policy for their specific needs.

DELEGATED AUTHORITY:

No delegated authority exists for the making of a Council Policy.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by *Simple Majority under powers of Section 5.14 of the *Local Government Act 1995* RESOLVES to:

1. DEFER the making of the Climate Change Policy;
2. MAKES the determination based on the following reason:
 - a. Further Councillor consultation is required.

Option 3:

That Council by *Simple Majority under powers of Section 5.14 of the *Local Government Act 1995* RESOLVES to:

1. NOT adopt the Climate Change Policy;
2. MAKES the determination based on the following reason:
 - a. Council does not wish to make a policy commitment at this time.
 - i. Further information justifying the need for the policy is required.

CONCLUSION:

The City's Community Strategic Action Plan aims to "progress towards climate change mitigation and adaptation principles and practices". The City has already developed climate change actions plans which cover both its Geraldton-Greenough and Mullewa areas of operation prior to the most recent amalgamation.

The City has previously adopted a Towards Sustainability Framework Policy which supports a defined policy being created to ensure Councils commitment towards implementing specific climate change related actions is realised. The proposed Climate Change Policy provides the instrument to progress the community desire and need for action within this framework.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority under powers of Section 5.14 of the *Local Government Act 1995* RESOLVES to:

1. ADOPT as a draft Climate Change Policy for approval;
2. ADVERTISE for 21 calendar days, the draft Policy for community input and report back to Council if there are any changes requested;
3. ADOPT the draft Policy after considering community input and suggested changes to the Policy; and
4. RE-ENDORSE the updated Towards Sustainability Policy Framework.

SC024	MEMORANDUM OF UNDERSTANDING WITH BUNDIYARRA ABORIGINAL COMMUNITY ABORIGINAL CORPORATION
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AGENDA REFERENCE:	D-11-25056
AUTHOR:	G W M Chadwick, Manager Environmental Health and Sustainability
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	29 November 2011
FILE REFERENCE:	EM/9/0006
APPLICANT / PROPONENT:	Bundiyarra Aboriginal Community Aboriginal Corporation
ATTACHMENTS:	Yes x 2

SUMMARY:

This agenda items recommends Council delegate authority to the CEO to sign the proposed Memorandum of Understanding with Bundiyarra Aboriginal Community Aboriginal Corporation (BACAC) in relation to the sharing of resources for delivery of Environmental Health Services in order to achieve shared priorities and outcomes in the region.

PROPONENT:

The proponent is Bundiyarra Aboriginal Community Aboriginal Corporation.

Board of Directors are as follows; Mr Ross Oakley, Mrs Lisa Radcliffe, Mr Russell Gregory, Ms Marion Dingo, Mrs Joan Gray, Ms Lucinda Cross, Mr Dale Forsyth, Honourable Mathew Benson MLC, Member for Agriculture Region, Dr Anton Ross.

BACKGROUND:

The City has an existing outsourcing agreement with Bundiyarra to do four community clean ups in remote communities as part of its EHW funding responsibilities with DoH. In addition there are benefits in having our trainee Environmental Health Worker (EHW) co-locate at other agencies such as Bundiyarra Aboriginal Community Aboriginal Corporation to develop capacity and share close liaison towards achieving a shared vision for Indigenous Environmental Health in the region.

The draft MoU serves as an instrument to develop closer ties with service agencies such as Bundiyarra to enhance the effectiveness of the existing MoU between the City and Aboriginal Community. The City EHW program already has its own funded equipment such as trailers, cutters etc. and the plant used through arrangements with the City's Works and Parks Departments are accessed on cost recovery of consumables and labour when available.

The City has already established an agency forum which has been active for twelve months with several projects, the list of projects is attached as Attachment No. SC025A which are progressing.

COMMUNITY CONSULTATION:

The City has not consulted directly with other sectors of the community regarding the proposed MoU as the initiative has been initiated by the community organisation BACAC.

COUNCILLOR CONSULTATION:

No consultation has been made with specific Councillors; however it is recommended that a Councillor be nominated to attend the regular forum meetings.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

The draft MoU supports the interim Strategic Community Action Plan.

FINANCIAL AND BUDGET IMPLICATIONS:

The financial implications of this MoU relate only to the existing agreement with the City and BACAC for the delivery of Environmental Health services. Currently the City through its funding agreement with the Minister of Health has sponsored \$25,000 to BACAC to deliver four community clean ups in the region.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan outcomes:**

Goal 5: Leading the Opportunities

Outcome 5.2: Citizen and stakeholder focused services

Strategy 5.2.1: Ensure economical, efficient and effective delivery of services

Regional Outcomes:

There are significant regional outcomes with this MoU as the service delivery extends beyond the City of Greater Geraldton (1) and includes services to three communities within the Shires of Murchison (1), Northampton (1) and Upper Gascoyne (1). See service area map attached as attachment No. SC025B.

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

There are no economic issues.

Social:

There are definite social benefits associated with the agenda item in relation to improved environmental health outcomes.

Environmental:

There are no environmental issues.

Cultural & Heritage:

This proposal has positive cultural benefits with the MoU as it reinforces a strong partnership between an indigenous organisation, the City and its staff.

RELEVANT PRECEDENTS:

Council has previously adopted a MoU for Reconciliation with Aboriginal Community and this MoU supports the goodwill between the City and the indigenous community.

DELEGATED AUTHORITY:

The CEO requires delegated authority from Council to sign this MoU.

VOTING REQUIREMENTS:

Absolute Majority voting is required to delegate authority to the CEO to sign the MoU.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority under Section 3.18 of the *Local Government Act as amended* RESOLVES to:

1. DEFER the CEO delegated authority to sign the MoU;
2. MAKES the determination based on the following reason:
 - a. To consider making changes to the MoU

Option 3:

That Council by Absolute Majority under Section 3.18 of the *Local Government Act as amended* RESOLVES to:

1. REFUSE to delegate authority to the CEO to sign the MoU;
2. MAKES the determination based on the following reason:
 - a. The MoU is not in keeping with Council interests.

CONCLUSION:

The proposed draft MoU was prepared by the Bundiyarra Aboriginal Community Aboriginal Corporation in consultation with City staff with the purpose of formalising a commitment towards sharing resources to enhance the effectiveness of both organisations providing important social and health benefits to the indigenous community in the region. The signing of the MoU is recommended because it reinforces the City's Community Strategic Plan and existing operational arrangements for environmental health service delivery.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority under Section 3.18 of the *Local Government Act as amended* RESOLVES to:

1. AUTHORISE the Chief Executive Officer of the City of Greater Geraldton to sign the Memorandum of Understanding with Bundiyarra Aboriginal Community Aboriginal Corporation.
2. APPROVES the representation of a Councillor to attend the Midwest Region Aboriginal Environmental Health Forum quarterly meetings.
3. NOMINATE Councillor _____ to represent council at the Midwest Region Aboriginal Environmental Health Forum.

11.4 Reports of Creative Communities

CC024 HMAS SYDNEY II MEMORIAL ADVISORY COMMITTEE	
AGENDA REFERENCE:	D-11 26114
AUTHOR:	A Selvey, Director of Creative Communities
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	20 December 2011
FILE REFERENCE:	GO/6/0009
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

SUMMARY:

This report seeks a Council resolution regarding the establishment, Terms of Reference and membership of an advisory committee. The purpose of the committee is to provide advice to Council on the ongoing good management of the HMAS Sydney II Memorial.

PROponent:

The proponent is The City of Greater Geraldton.

BACKGROUND:

The HMAS Sydney II Memorial at Geraldton was designed and built by the local community to commemorate the 645 men killed when Sydney disappeared after its fateful battle with the German Raider HSK Kormoran on the 19th November 1941. It also celebrates the life and loss of a proud ship and her Ship's Company. The Memorial has been recognised as a Military Memorial of National Significance. It follows then that the local community places great value on its Memorial and that it has also accepted the responsibility to manage it for the nation.

To ensure that the purpose of the Memorial is continuously maintained in accordance with those local and national values and meanings, the Memorial's management must acknowledge all levels of community interest. The City of Greater Geraldton acknowledges the support of a number of individuals and agencies in providing advice and support on management issues via the Stakeholder Consultative Group. The City is now proposing to formalise the process for stakeholder and community input in the management of the Memorial by seeking Council endorsement to establish a HMAS Sydney II Memorial Advisory Committee with the following proposed Terms of Reference:

- To make recommendations to Council that will assist Council decision-making for the management and long term planning for the Memorial.
- To facilitate a spirit of collaboration and cooperation for the management and promotion of the HMAS Sydney II Memorial.
- To include as members, representatives of local, State and National stakeholder organisations limited to one representative from each

agency with a maximum membership of 10 members. The current stakeholder list will provide the basis for seeking expressions of interest. See attachment.

- To include as ex-Officio, representatives of other interested parties on an as-needs basis.
- To review the existing management of the Memorial and recommend a management model that will acknowledge both local and national values and preserve its independent and enduring purpose. To recommend those arrangements by June 2012. The review should include the following:
 - The type of management body, its membership, responsibilities and account;
 - Establishment of Design Principles under which the Memorial is managed;
 - A formal plan to enhance the local, national and international profile of the Memorial;
 - Establishment of a communication protocol/framework;
 - To provide a platform for community input into the management and long term planning.
 - The tenure of the Committee will expire on 15 October 2013.
 - Meetings will be held as needed.

The City proposed to call for Expressions of Interest for a representatives from the following agencies to hold a position on this committee. Expressions of Interest should address the following;

- The interest the agency has in the HMAS Sydney II Memorial;
- The area of expertise the agency, via their nominated representative, can bring to the committee; and
- The capacity of the agency, via their nominated representative, to contribute to the overall long term planning and management of the Memorial as outlined in the above Terms of Reference.

COMMUNITY CONSULTATION:

All previously identified stakeholders (See Attachment) have been advised of the intent to formalise the community input via the formation of the HMAS Sydney II Memorial Advisory Committee and of the Council agenda item seeking a Council resolution on this matter.

COUNCILLOR CONSULTATION:

The Mayor has been the Council representative on the informal Stakeholder Consultative Group.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

The HMAS Sydney II Memorial Plaques policy will be a guiding policy for relevant issues brought before this committee.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no immediate financial or budget implications relating to this agenda item. Any works that may result from recommendations made by this committee would be subject to the City of Greater Geraldton budget process.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 3:	Opportunities for Creativity
Outcome 3.1:	A Community that embraces and celebrates diversity
Strategy 3.1.4:	Preserve and activate the heritage of our community

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

The HMAS Sydney II Memorial is a Military Memorial of National Significance and as such brings considerable media and tourism attention to Geraldton and the region. Good management is essential to ensure long term planning is consistent with National Memorial status and to ensure it retains its high tourism value.

Social:

The HMAS Sydney II Memorial is of high social value. It is a source of community pride and there is a strong sense of community ownership. An advisory committee representative of community ownership will strengthen community ownership and pride.

Environmental:

There are no environmental outcomes.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority. Any recommendation from the proposed HMAS Sydney II Memorial Advisory Committee will be brought before Council.

VOTING REQUIREMENTS:

Absolute Majority for Executive Recommendation and Option 2. Simple Majority for Option 3.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. ESTABLISH a HMAS Sydney II Memorial Advisory Committee with the following Terms of Reference:
 - a. To be determined by Council.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DECLINE the establishment of a HMAS Sydney II Memorial Advisory Committee.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

While the informal Stakeholder Consultative Committee has provided invaluable advice to Council on management issues related to the HMAS Sydney II Memorial, there has been some criticism that the Terms of Reference, membership and decision-making has been ad-hoc and made on an as-needs basis. This criticism is somewhat justified as the Stakeholder Consultative Group evolved organically without any analysis of its role and objectives or its membership. The executive recommendation attempts to address that perception by providing structure to and applying good governance to the long term management of the HMAS Sydney II Memorial.

EXECUTIVE RECOMMENDATION:

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

1. ESTABLISH a HMAS Sydney II Memorial Advisory Committee with the following Terms of Reference;
 - a. To make recommendations to Council that will assist Council decision-making for the management and long term planning for the Memorial.
 - b. To facilitate a spirit of collaboration and cooperation for the management and promotion of the HMAS Sydney II Memorial.
 - c. To include as members, representatives of local, State and National stakeholder organisations limited to one representative from each agency with a maximum membership of 10 members.
 - d. To include as ex-Officio, representatives of other interested parties on an as-needs basis.
 - e. To review the existing management of the Memorial and recommend a management model that will acknowledge both local and national values and preserve its independent and enduring purpose. To recommend those arrangements by June 2012. The review should include the following:
 - i. The type of management body, its membership, responsibilities and account;
 - ii. Establishment of Design Principles under which the Memorial is managed;
 - iii. A formal plan to enhance the local, national and international profile of the Memorial;
 - iv. Establishment of a communication protocol/framework;
 - f. To provide a platform for community input into the management and long term planning.
 - g. The tenure of the Committee will expire on 15 October 2013.
 - h. Meetings will be held as needed.
2. APPOINT as members of the Committee:
 - a. Cr. _____
 - b. Cr. _____
 - c. Cr. _____ (proxy)

Three Vacant Positions (includes Proxy)

Nominations received as at the printing of the Council Meeting Agenda from:

Councillor R Ashplant

3. DEFINE Council delegations as Nil;
4. SEEK Expressions of Interest from stakeholders and the broader community for membership;
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
6. APPOINT the Councillor Representatives as the selection advisory panel responsible for assessing all Expressions of Interest received for

- membership on the HMAS Sydney II Memorial Advisory Committee and making recommendations for membership to Council;
7. DEFINE the tenure of the Committee as expiring on the 15 October 2013 or as determined by Council; and
 8. HOLD meetings as required.

CC025 203 LESTER AVENUE TENANCY

AGENDA REFERENCE:	D-11-26402
AUTHOR:	Y Lovedee, Coordinator Community Development
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	29 November 2011
FILE REFERENCE:	R22257
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The premises at 203 Lester Avenue are vested in the City of Greater Geraldton by way of a Management Order and recently become vacant. A full review of the future use of the premises is to be undertaken. In the interim it is proposed that the Midwest Multicultural Association becomes a short term tenant until the review is completed.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

203 Lester Avenue has been leased at a nominal amount to ACTIV Industries since 2004. The organisation has remained in the building on a holding over period since the expiry of their lease in 2007 and has now vacated the premises.

It is intended that a full review that explores the potential options for the future of the site and the building be undertaken by March 2012.

Rather than leave the building unattended and subject to vandalism it is recommended that an organisation/s in need of immediate accommodation be provided with a lease to the premises for 6 months. This will enable the review of the location to be undertaken, a report back to Council and the recommendations implemented.

Several volunteer run organisations have been in contact with Council seeking office space. Organisations such as the Midwest Multicultural Association (MWMA) have been sponsored and provided premises by local business however in the instance of the MWMA they have been advised to vacate the Chapman Way Arcade premises by 31 January 2012 due to redevelopment of the area.

The premises at 203 Lester Avenue have the capacity to support several organisations.

203 Lester Avenue is located on Reserve 22257 which is vested in the City of Greater Geraldton by way of a Management Order for the purpose of "Community Purposes" with the power to lease for a period of up to 21 years subject to Ministerial consent.

The Multicultural Association has received the following Community grants over the last 3 years:

- Midwest Multicultural Cooking Classes - \$5,800
- English As A Second Language - \$1,500
- Establishment of Office & Meeting Rooms for Multicultural Association - \$10,000

(more detailed information on these grants can be found in the additional attachment to this item)

COMMUNITY CONSULTATION:

Community consultation will be undertaken as part of the full review.

COUNCILLOR CONSULTATION:

No Councillors consultation has been undertaken.

STATUTORY IMPLICATIONS:

- Pursuant to section 3.58 of the Local Government Act 1995 – Disposing of Property
 - (1) *In this section –*
 - “dispose”** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “property”** *includes the whole or any part of the interest of a local government in property, but does not include money.*
 - (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- Pursuant to Regulation 30 (1) and (2)(b)(i) of the Local Government (Functions and General) Regulations 1996 - *a disposition of property under s 3.58 of the Local Government Act 1995 is an exempt disposition if the land is disposed of to a body, whether incorporated or not where the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational sporting or other like nature.*

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL AND BUDGET IMPLICATIONS:

A commencement fee of \$305.00 per annum plus GST for sporting and community groups reviewed annually as per the adopted City of Greater Geraldton Schedule of Fees and Charges will apply. The lessees will be responsible for all outgoings including rates, electricity, water usage and minor maintenance

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Future Outcomes:**

Goal 3:	Opportunity for Creativity
Outcome 3.1:	A community that embraces and celebrates diversity
Strategy 3.1.1	Create vibrant and diverse neighbourhoods that meet local and regional needs

Regional Outcomes:

Organisations such as the Midwest Multicultural Association support members and new arrivals across the region. These networks strengthens the community culturally, socially and economically.

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

Although Council will not be receiving market value rental for the premises it will be providing volunteers in the community with a base to be able to be more accessible and effective in their support of the wider community until the review of the use of the premises is completed.

Social:

The accessibility of the premises for the Midwest Multicultural Association will be invaluable as they offer assistance with language classes, support for visas and assist families from Culturally and Linguistically Diverse backgrounds as they settle in the region.

Environmental:

There are no environmental impacts in the proposal.

Cultural & Heritage:

Organisations such as the Midwest Multicultural Association and the Midwest African Association are all volunteers who offer assistance to families from Culturally and Linguistically Diverse backgrounds as they settle in the region.

RELEVANT PRECEDENTS:

203 Lester Avenue has been leased to the ACTIV Foundation since December 2004. The City also leases land and/or buildings to other community organisations such as Lotteries House, the Menshed Geraldton and Girl Guides Association. The City of Greater Geraldton's Schedule of Fees and Charges apply in all situations.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DECLINE the short term tenure of 203 Lester Avenue to the Midwest Multicultural Association and leave the building vacant;
2. MAKES the determination based on the following reason:
 - a. To be determined by council.

Option 3:

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

2. DEFER the lease of 203 Lester Avenue:
3. MAKES the determination based on the following reason:
 - a. To be determined by council.

CONCLUSION:

The Executive Recommendation is considered to be the best option as it would ensure that the building is tenanted immediately which will enhance the vibrancy of the area and reduce the possibility of vandalism.

Adoption of the recommendation would also provide the Midwest Multicultural Association (MWMA) short term office space and meeting rooms to continue working with people from Culturally and Linguistically Diverse backgrounds.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE the short term tenure of 203 Lester Avenue to the Midwest Multicultural Association Inc;

2. SET the proposed conditions as:
 - a. the term to be of not more than six months commencing 1 January 2012 and concluding 30 June 2012;
 - b. a pro rata fee to be calculated based on the lease fee of \$305.00 per annum as per the adopted City of Greater Geraldton Schedule of Fees and Charges 2011/12;
 - c. the lessee to be responsible for separately paying all outgoings including all utilities, rates and minor maintenance; and
 - d. any costs associated with the preparation and execution of the lease document are to be borne by the lessee.
3. APPROVE a review of the options for the potential future uses of the building/site and report back to Council by April 2012.

CC026	DELEGATION TO CHINA
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AGENDA REFERENCE:	D-11-25868
AUTHOR:	D Barras, Coordinator Economic Development
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	29 November 2011
FILE REFERENCE:	ED/2/0001
APPLICANT / PROPONENT:	Sister City Economic & Cultural Development Advisory Committee
ATTACHMENTS:	Yes (x2)

SUMMARY:

Sister City relationships have made a fundamental and essential contribution to establishing a comprehensive cooperative relationship and strategic dialogue mechanism between Australia and China. For example, Perth has a Sister City relationship with Nanjing that has facilitated exchanges of performing arts, students, business people and university delegations between Nanjing University and the University of Western Australia. Dance troupes, art exhibitions, trade and investment missions, and economic and goodwill delegations have flowed between the two cities over the last ten years. This is just one example which shows the potential positive outcomes that are possible from development of such relationships.

The City, along with various stakeholders within the community, has been working towards development of sister city relationships for many years. Communications surrounding these developments are recorded from October 2007 (Attachment 1), post amalgamation between the City of Geraldton and Shire of Greenough, however extend years before this amalgamation.

On 2 March 2010, the City of Geraldton-Greenough Council resolved to:

Part A – Sister City Policy

1. *ADOPT the Policy for Establishing Sister City Relationships; and*
CARRIED 8/2

Part B – Advisory Committee

1. *ESTABLISH the Sister City Economic & Cultural Development Advisory Committee;*
2. *SETS the members of the Committee to be:*
 - a. *Chairman of the Committee, Councillor Petersen of the City of Geraldton-Greenough;*
 - b. *Councillor Gabelish of the City of Geraldton-Greenough;*
 - c. *Representative from Geraldton University Centre;*
 - d. *Representative from Durack Institute of Technology;*
 - e. *Representative from Geraldton Port Authority;*
 - f. *Representative from Combined University Centre for Rural Health;*
 - g. *Representative from the Mid West Chamber of Commerce and Industry;*
 - h. *Representative from the Mid West Development Commission;*
and

-
- i. *Further representatives can be co-opted to the committee at any time, if the Committee sees fit.*
 - 3. *SET the Terms of Reference as being:*
 - a. *Identifies preferred Sister City candidates, based on the following Principles:*
 - i. *The proposed Sister City must be in a country with which the Federal Government of Western Australia, has a constructive relationship;*
 - ii. *The City of Geraldton-Greenough will add a maximum of one Sister City each year with a maximum of six ongoing Sister City relationships at any time;*
 - iii. *Geographic concentration of sister cities in one region should be avoided;*
 - iv. *Following analysis by the City of Geraldton-Greenough, proposals must be submitted to the Sister City Economic & Cultural Development Advisory Committee; and*
 - v. *Sister City relationships should take into account cultural, ethical and/or moral issues pertinent to the community at the time.*
 - b. *Every Sister City relationships under consideration should have a separate Relationship Plan outlining:*
 - i. *How the relationship would encourage and facilitate economic, socio-cultural and environmental exchanges;*
 - ii. *Identifies the long term goals with the relationship;*
 - iii. *Identifies the key focus areas and partnerships within the community;*
 - iv. *Sets Key Performance Indicators to measure benefits/outcomes;*
 - v. *Relationship Plan to include a Communications Plan for each relationship, taking into consideration the cultural process of each Sister City under consideration;*
 - vi. *Annual Report and Review of relationship activities and the relationship plan including an audit of key performance indicators to ensure that the City of Geraldton-Greenough is benefitting from the alliance. The Annual Report to be submitted to Council on an annual basis;*
 - c. *Prior to entering into any official Sister City relationship, the Sister City Economic & Cultural Development Advisory Committee to submit to Council for formal endorsement;*
 - d. *Where a new Sister City relationship is identified, a budget proposal to be developed containing all costs and resource commitments associated with the new relationship, to be submitted to the annual budget process. This should be subject to the annual budget allocation processes of the City of Geraldton-Greenough and treated as a new proposal to be judged on merit alongside all other projects competing for funding through the annual budget process;*
- 4. *DETERMINES the Committee has no delegated authority; and*
 - 5. *DETERMINES the tenure of the Committee to be for a two year period, to be reviewed October 2011 or as otherwise determined by Council.*

The Sister City Economic & Cultural Development Advisory Committee and associated Policy for Establishing Sister City Relationships was re-adopted by the City of Greater Geraldton on 1 July 2011.

After development of a formal Sister City Economic & Cultural Development Advisory Committee and Policy for Establishing Sister City Relationships in 2010, significant research has been conducted. Taking into consideration the

policy and related research, the Committee believes that a delegation to China for advanced research and dialogue is required before development towards a formal relationship can progress any further. The Committee has endorsed the attached dates and itinerary for travel (Attachment 1), requesting that it be presented for Council endorsement and allocation of a Councillor delegate to attend the trip.

PROPONENT:

The proponent is the City of Greater Geraldton Sister City Economic & Cultural Development Advisory Committee, consisting of representatives from the following organisations:

- Cr Chris Gabelish, City of Greater Geraldton;
- Cr Ron Ashplant, City of Greater Geraldton;
- Geraldton University Centre;
- Durack Institute of Technology;
- Combined University Centre for Rural Health;
- Mid West Chamber of Commerce and Industry;
- Mid West Development Commission;
- Geraldton Port Authority; and
- Geraldton Iron Ore Alliance.

BACKGROUND:

From investment in the resource sector, to tourism, agriculture and logistics, Chinese interest in the Mid West extends far and wide. While the resources sector has been the primary recipient of Chinese investment in WA, Chinese interests in the Mid West extend beyond mining and mineral processing:

- **Resource Industry** – Angang Steel Company Limited's (AnSteel) 50% ownership of the US\$1.4 billion Karara iron ore project. Ansteel has signed an agreement with the Western Australian Government to conduct a feasibility study into establishing a steel plant at the proposed Oakajee Port site, building on its current off-take arrangements to receive iron ore from Karara.

Sinosteel is sponsoring economic development in the Mid West through its wholly-owned subsidiary Sinosteel Midwest Corporation Limited. The company has been involved in six Mid West mining projects including: Robinson Range Manganese, the Koolanooka/Blue Hills, Jack Hills Hematite, Robinson Range Hematite, Weld Range Hematite and Magnetite Concentrate (Weld Range/Jack Hills/Koolanooka).

Other Chinese owned companies, such as Asia Iron Holdings Limited and Golden West Resources Limited (the other China partnerships in the Geraldton Iron Ore Alliance) are also participating in key mining and minerals processing.

Meanwhile key contracts for rail wagons have been awarded to China Southern Rail, a subsidiary of China South Locomotive and Rolling

Stock Corporation, by Australian Railroad Group. So far, some 334 wagons have been purchased (worth an estimated US\$34 million) for a variety of Mid West mine projects including Tallering Peak, Koolanooka/Blue Hills and Mount Gibson Extension Hill.

Other recent strategic investments by Chinese-state owned enterprises in the Mid West region include:

- APAC Resources Investments Limited (APAC Resources) and Shougang Concord International Enterprises Company Limited (Shougang Concord) iron ore off-take agreement with Mount Gibson;
 - Mount Gibson Iron Limited (Mount Gibson), APAC Resources and Shougang Concord's agreement to underwrite a US\$78 million rights issue and Shougang Concord's agreement to subscribe for US\$53 million of Mount Gibson shares; and
 - Guangdong Foreign Trade Group Co. Limited's (GFTG) acquisition of a 15% stake in Kagara Ltd for US\$46 million;
- **Australasian Square Kilometre Array Pathfinder (ASKAP)** – the 54th Institute of China Electronics Technology Group Corporation's US\$7.3 million contract to supply 36 telescopes for ASKAP is another exciting project. As one of China's oldest and largest scientific establishments, the institute plays a leading role in scientific research, and system design and integration for large-scale telemetry, telecontrol, and communications projects;
 - **WA grain and dairy farms** – it is understood that China's most powerful agricultural company Beidahuang Group, BDH, has made offers on a number of farms in the state's South West, amounting to about 80,000 hectares of land. The state-owned group employs nearly one million people worldwide and reportedly plans to expand its overseas investments in Australia, Russia, the Philippines, Brazil, Argentina, Zimbabwe and Venezuela. Opportunities are vast in the Mid West, with aspirations for a Food Bowl to be coordinated within the region;
 - **Tourism** – a Chinese visitation boom has attracted Chinese investment in WA. A survey estimated 15,000 Chinese visitors came to WA in the 12 months to March 2011, an increase from the 12,000 estimated to have headed to the state in 2010, an increase again of 32.1 per cent from 2009. They spent \$80 million in WA in 2010, an increase of 135.3 per cent from \$34 million spent in 2009. In terms of international markets the most significant growth in visitors came from China with 15,200 arriving in WA (up a whopping 36 per cent), followed by Indonesia with 28,900 visitors (growing by an impressive 27.5 per cent) and then the USA with 45,400 (up 19.9 per cent). With China Southern Airlines starting direct flights to Perth by November 2011, Chinese visitors are set to double over the next year. Tourism WA is developing strategies to increase the contribution of

business travel to WA's visitor economy. These include building the meetings, incentives, conferences and exhibitions (MICE) sector, which will attract Chinese investment in tourism infrastructure and facilities in WA; and

- **Oakajee Port and Rail (OPR)** –The West Australian government has strongly indicated that it is pursuing Chinese involvement in the Oakajee Port and Rail project.

In September 2010 a desktop study of the History of Communication between the City and China was conducted (Attachment 2), outlining all recorded communication between October 2007 and July 2010. This document demonstrated that although informal dialogue had occurred between the City and a number of cities in China, no formal dialogue or relationships were formed over this time.

Taking into consideration the above mentioned report, the Sister City Economic & Cultural Development Advisory Committee voted at their meeting on 10 September 2010 to finalise a shortlist of cities within China to be further explored as possible future Friendship or Sister Cities. The shortlist comprised of the following cities:

- Yueqing (Zhejiang province)
- Ningbo (Zhejiang province)
- Zhanjiang (Guandong province)
- Shaoxing (Zhejiang province)

It was agreed that additional cities could be added to this shortlist by members of the Committee not in attendance during the vote. Qing Dao of the Shandong province was added to the shortlist after the meeting. It was agreed that a further desktop study would be conducted comparing the shortlist against the selection criteria (Attachment 3).

On 22 February 2011 Council endorsed the consideration of \$20,000 to be allocated in the 2011/12 budget to further progress sister city relationships within China, including a City delegation to China.

After reviewing the desktop research and further dialogue with the prospective cities, the Sister City Economic & Cultural Development Advisory Committee refined the shortlist. A final list of cities recommended by the Committee to be visited by a City delegation include

- Qing Dao;
- Wenzhou (and its County level city Yueqing);
- Lishui; and
- Zhanjiang.

Specific opportunities identified in each of the shortlisted Cities are outlined below:

Qing Dao

Sub-provincial city in Shandong province. Port city and sailing capital of China. A regional economic centre, the North-East Asia International Shipping Centre, top liveable city in China and host port to the Clipper Round the World Yacht Race. There have been early discussions between the Qing Dao Sports Bureau and the City of Geraldton about developing an international sailing academy in potential partnership with Geraldton, Singapore and Indonesia. Possible visit to Geraldton while in Australia to discuss further partnerships. Host to both the annual China International Mining Expo & Summit Forum and the annual China International Steel & Raw Materials Conference. Key industries include tourism, logistics, finance, exhibition, commercial distribution, cultural creativity, intermediary service, real estate, science, information technology and information, and headquarters economy.

Wenzhou

Prefecture level city in Zhejiang province (WA's Sister State/Province), overseeing Yueqing of which the City already holds a relationship. Inner river port. Leading private economy in China, mainly in field of manufacturing (garment, shoes, leather processing etc.), providing potential opportunities for investment within Geraldton and the Mid West.

Yueqing

County level city in Zhejiang province (WA's Sister State/Province), overseen by Wenzhou. Port city. Signed a Statement of Intent of Friendly Cooperation with the City of Geraldton-Greenough in June 2010. Has sent delegations to visit Geraldton in March and September 2011, and Has officially invited Geraldton to visit.

Lishui

Prefecture level city in Zhejiang province (WA's Sister State/Province). Inner river port. Main industries include eco-tourism, trade and logistics, electrical machines, lighting equipment, bamboo and wood products. The top ecological city in China. Have been engaging Geraldton at a higher level and communicating frequently, showing positive attitude, very keen to develop relationship with Geraldton. Has officially invited Geraldton to visit.

Zhanjiang

Prefecture level city in Guangdong province. Emerging iron ore (sea) port. Boasteel, the biggest steel producer in China, holds an eight per cent stake in Zhanjiang port. China's top ten leisure city and the Chinese seafood capital. Keen to establish substantial relationship, has officially invited Geraldton to visit their city in order to sign an MOU on establishing a Relationship of Cooperation and Exchange between Geraldton and Zhanjiang Municipality (so as to further develop cooperation, investment and trade opportunities).

The Sister City Economic & Cultural Development Advisory Committee suggested that the delegation should visit China in March 2012, to coincide with the Clipper Round the World stopover in Qing Dao. This would not only provide great synergies with Qing Dao, but also reinforce the City's commitment to Clipper. At their meeting on 23 November 2011, the Committee recommended the attached dates and itinerary (Attachment 1) for a delegation to China in March 2012.

COMMUNITY CONSULTATION:

Development toward relationships within China has been driven by the Sister City Economic & Cultural Development Advisory Committee. The Committee consists of community members representing the following organisations:

- City of Greater Geraldton;
- Geraldton University Centre;
- Durack Institute of Technology;
- Combined University Centre for Rural Health;
- Mid West Chamber of Commerce and Industry;
- Mid West Development Commission;
- Geraldton Port Authority; and
- Geraldton Iron Ore Alliance.

At their meeting on 7 September 2010, the Sister City Economic & Cultural Development Advisory Committee agreed upon a shortlist of potential sister cities within China. On 12 August 2011, the Committee recommended that:

The City of Greater Geraldton and delegation visit China with the intent of further investigation and negotiation towards the development of a Sister City relationship. This includes meeting with Qing Dao, Zhanjiang, Lishui and Wenzhou (and Yueqing). The cities have been identified based upon suitability against the selection criteria, as specified in the Policy for Establishing Sister City Relationships. In addition, the identified cities have shown a level of interest in discussing further opportunities for a Sister City relationship with the City of Greater Geraldton. It is proposed that the delegation visit is conducted in February 2012, to coincide with the Clipper Round the World stopover in Qing Dao.

At their meeting on 23 November 2011, the Sister City Economic & Cultural Development Advisory Committee endorsed the dates and itinerary outlined in this report for a delegation to visit China.

Expressions of Interest were opened up to the community to join the delegation for March 2012, from which the following support was received:

- Geraldton Grammar School, Susan Shaw;
- Geraldton Property Valuations, Colin Dymond;
- Market Creations, Darren and Joanne Lee;

- Durack Institute of Technology, Bert Beevers;
- Mid West Chamber of Commerce and Industry, Bill Headley; and
- Geraldton Port Authority.

COUNCILLOR CONSULTATION:

Cr Chris Gabelish.

Cr Ron Ashplant.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

The relevant Council policy for this item is the Policy for Establishing Sister City Relationships.

The Sister City Economic & Cultural Development Advisory Committee have taken this policy into account when developing the list of preferred cities to visit, by applying the selection criteria for developing sister city relationships, as stated in the policy, against the potential candidates.

FINANCIAL AND BUDGET IMPLICATIONS:

\$17,500 has been allocated in the 2011/12 budget to progress with Sister City negotiations within China. This would be utilised to send the Council delegate, CEO and Sister City Liaison Officer on the trip. Therefore, there would be no impact on the budget as all costs are covered in the existing budget. The cost of the trip is estimated at \$5,000 per delegate. Local business and community stakeholders joining the delegation would be required to fund their own position.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 2:	Opportunities for Prosperity.
Outcome 2.1:	A diverse sustainable, economic and employment base.
Strategy 2.1.1:	Support industry and business attraction activities and marketing nationally and internationally.
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.1:	Attract, facilitate and promote regional, national and internationally significant events.
Strategy 2.2.2:	Promote tourism and investment opportunities including cultural tourism.

Outcome 2.3: Greater Geraldton as a major regional centre.

Strategy 2.3.3: Increase the national and international profile of Greater Geraldton through partnerships with Government, industry and international municipalities.

Regional Outcomes:

As the region's commercial, administrative and cultural hub, Geraldton plays a pivotal role in creating and adding value to a sustainable local economy. Identifying strategic partners through Sister City alliances will ultimately lead to investment opportunities and partnerships throughout the Mid West in areas like tourism, mining, technology, manufacturing and science. This will add positive regional outcomes.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Dialogue and development of formal relationships between the City of Greater Geraldton and international cities in China and Indonesia will enable economic development initiatives to be explored, that may provide benefits to business, government and the local economy and community. As per the goals and objectives of Sister City relationships, such relationships will:

- Support the City of Greater Geraldton strategic priorities;
- Expand the City's network of business contact and relationships;
- Increase international private sector investment in the Mid West;
- Provide a conduit between local innovation and international industry;
- Accelerate economic growth through commercial partnerships;
- Create mutually-beneficial partnerships between academia, government and the private sector;
- Leverage existing industry strengths into increased innovation and job creation; and
- Promote the Mid West region as an attractive tourist destination.

Social:

The intent of forming international relationships between the City of Greater Geraldton and cities in China is for international cooperation and increased global awareness of the City of Greater Geraldton and the proposed cities. As per the goals and objectives of Sister City relationships, such relationships will:

- Support international education, research and cooperation; and
- Increase global awareness of the City of Greater Geraldton and the Mid West region.

Environmental:

There are no environmental issues associated with this item.

Cultural & Heritage:

Development of relationships between the City of Greater Geraldton and cities within China pose many opportunities for exchange between cultures, through

cultural institutions, universities, colleges, museums, heritage, community arts, libraries and sports. As per the goals and objectives of Sister City relationships, such relationships will:

- Promote the City of Greater Geraldton as a SMART City;
- Promote the City of Greater Geraldton's cultural community; and
- Establish relationships between cultural institutions, universities and colleges, museums, heritage, community arts, libraries and sports.

RELEVANT PRECEDENTS:

On 2 March 2010 Council committed to the development of cross cultural relations between Geraldton and international cities, by resolving to establish the Sister City Economic & Cultural Development Advisory Committee, and adopting the Policy for Establishing Sister City Relationships. This Policy and Committee were later readopted by the newly amalgamated City of Greater Geraldton.

On 22 February 2011 Council resolved to:

CONSIDER a budget item of \$20,000 to be allocated in the 2011/12 budget to progress the relationship between Yueqing and Zhanjiang and the City of Geraldton-Greenough, including a visit to both Yueqing and Zhanjiang by the City of Geraldton-Greenough delegation.

NOTE: Delegation is defined as being representatives of the City (including Councillors and Executive) and external members including from State Government (elected members or State agencies) and local industry groups which will be set accordingly to the need and purpose of the visit.

Carried 10/2

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to s.3.1 of the Local Government Act 1995 (as amended) RESOLVES to:

1. DEFER the delegation to China until August/September 2012; and
2. MAKES the determination based on the following reason:
 - a. To coincide with the Qing Dao International Sailing Week.

Option 3:

That Council by Simple Majority pursuant to s.3.1 of the Local Government Act 1995 (as amended) RESOLVES to:

1. DEFER the delegation to China until _____; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 4:

That Council by Simple Majority pursuant to s.3.1 of the Local Government Act 1995 (as amended) RESOLVES to:

1. DECLINE to progress with the delegation to China; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 5

That Council by Simple Majority pursuant to s.3.1 of the Local Government Act 1995 (as amended) RESOLVES to:

1. PROGRESS with a delegation visit to China in March 2012, including the City of Greater Geraldton CEO, Sister City Liaison Officer and a Council delegate;
2. ENDORSE the itinerary as per Attachment 1; and
3. DELEGATE the Councillor representative on the trip as being:
 - a. _____; and
 - b. _____.

CONCLUSION:

Discussions surrounding the development of a sister city relationship within China have been ongoing for many years. With the implementation of the Sister City Economic & Cultural Development Advisory Committee and Policy for Establishing Sister City relationships, and after significant research, it is time to act if the City wishes to be regarded as a serious candidate for development of a sister city relationship within China. This prospect presents outstanding regional, economic, social and cultural opportunities for the future of the City of Greater Geraldton.

It is important to note that development of long term and valuable relationships around the world is extremely dependent upon the establishment of personal (governmental level) relationships, well above and beyond those that can be developed via internet research, email and phone calls. Visiting foreign cities coinciding with development of verbal relationships is a crucial facet in showing the City's commitment to future ongoing cooperation and interaction. Specifically within China, development of governmental relationships is the gateway to network with Chinese counterparts for foreign business and investment.

Subsequent to the preparation of the report, discussions have been held between the Mayor and Cr Chris Gabelish, as the Chairman of the Sister City

Advisory Committee and an alternative option number 5 has been put forward for consideration.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to s.3.1 of the Local Government Act 1995 (as amended) RESOLVES to:

1. PROGRESS with a delegation visit to China in March 2012, including the City of Greater Geraldton CEO, Sister City Liaison Officer and a Council delegate;
2. ENDORSE the itinerary as per Attachment 1; and
3. DELEGATE the Councillor representative on the trip as being:
 - a. _____.

CC027	2029 AND BEYOND DESIGNING OUR CITY FORUM PRELIMINARY REPORT
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AGENDA REFERENCE:	D-11-25870
AUTHOR:	J Kopplhuber, 2029 and Beyond Project Coordinator
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	20 December 2011
FILE REFERENCE:	CS/700/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

SUMMARY:

This report seeks Council's formal approval to endorse and release publicly the 2029 and Beyond Designing our City Forum Preliminary Report for the purpose of communicating the information back to participants and the wider community.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

On August 13, 14 and 15, 2011 community members and stakeholders came together and took the opportunity over a three day period to co-create the City Region's plans for the future during the "Designing our City" Forum. The Designing our City Forum was the last in a series of community engagement activities which included World and Conversation Cafés, the Deliberative Survey and Deliberative Forum, The Geraldton Feel Campaign and the Stakeholder Collaborative Forum. These various activities have involved more than 2000 members of the community of the Greater Geraldton City Region.

The forum captured community views and aspirations and developed them in a deliberative planning process. Initial results of the preliminary report were distributed to participants at the end of day one to provide an overview of the deliberative process they had contributed to. The consolidation of this data was subject to time constraints and therefore the data will be subject to further review which may or may not result in further refinement in a final report.

As a result, all the data collected from participants on day one is currently being reviewed by Curtin University. Should there be discrepancies between the findings of the preliminary report and the reviewed data, an additional report will be produced reflecting these findings.

The final report will be produced reflecting these findings and will be used to inform the CGG Local Planning and Scheme.

In order to ensure transparency and commitment to the community engagement process it is important to release to the public the preliminary report so the community can see how they have contributed to the process.

COMMUNITY CONSULTATION:

More than 250 members of the community came together at the Queen Elizabeth II Community Centre in Geraldton to plan for the sustainable future of the Greater Geraldton City Region. Participants at the forum included:

- self-selected volunteers – approx. 40%
- randomly selected members of the community – approx. 40%
- representatives of various stakeholder groups from the region – approx. 20%

During the forum a multi-disciplinary team worked collaboratively with participants to develop potential plans and design options for how the broader region and City will look in the future. The multi-disciplinary team consisted of:

- urban planning experts from UWA
- Curtin University researchers and deliberation specialists
- members of the Australian Urban Design Research Centre
- cross disciplinary experts from the City of Greater Geraldton, state and local government agencies
- local community experts

The forum utilised a combination of techniques including:

- a large scale public deliberation
- a '21st Century Dialogue' (participants entered ideas into a laptop computer, sent them to theme teams behind the scenes who collated results in real time on day 1.
- a collaborative planning process, an 'Enquiry by Design' on days 2 and 3.

The 21st Century Dialogue enabled participants on day one to deliberate about:

- what they valued most about Greater Geraldton
- an identity of a future Greater Geraldton
- the principles to underlie future planning, as well as the desired built and natural form.

On Day 2, the Multi-Disciplinary Team worked all day preparing a suite of 6 planning scenarios that incorporated the values and ideas from the 21st Century Dialogue:

- A Linear City
- Contained Growth
- A City of Towns
- Managed Expansion
- Environment First
- Transport First

In the evening, these scenarios were presented for further deliberation to returning participants to provide the opportunity for community deliberation to determine which scenarios or elements of scenarios were preferred.

On Day 3, the multi-disciplinary team used the feedback from the prior evening to develop a consolidated planning scenario for Greater Geraldton, and to give

their views on key planning issues that would arise. The participants returned that evening and considered this work, giving feedback on what they liked and the changes they wanted.

COUNCILLOR CONSULTATION:

The Mayor Ian Carpenter and Cr. Nino Messina in their capacity as Commissioners attended the forum.

2029 and Beyond Concept Forum was held on the 2 December 2011 and Cross Departmental Concept Forum on the 6 December 2011 to inform Councillors on the 2029 and Beyond Project development and progress to date including the findings from the forum.

STATUTORY IMPLICATIONS:

There are no immediate statutory implications. However, it is intended that the outcome of the Designing our City Forum will inform statutory planning documents.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 5:	Leading the Opportunities
Outcome 5.1:	Citizen and stakeholder focused services
Strategy 5.2.2:	Maintain meaningful engagement, consultation and deliberative processes with the community

Regional Outcomes:

There are no regional outcomes.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

The release of the preliminary report will increase transparency and will demonstrate to the community that their contributions are valued and have been accurately captured. Failure to release the report may result in participants ultimately concluding that their efforts were ineffective or unworthy of their time.

Providing the report to the community will continue to increase community involvement in Local Government decision making processes.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no precedents.

DELEGATED AUTHORITY:

No delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER the endorsement and public release of the Designing Our City Preliminary Report
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 3:

That Council by Simple Majority RESOLVES to:

1. DECLINES the endorsement and public release of the Designing Our City Preliminary Report
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

CONCLUSION:

The Designing Our City Forum was a community engagement initiative of the City within its 2029 and Beyond Project and received strong support and commitment from the community with over 250 people attending. To ensure the momentum gathered during the three day forum does not wain it is essential to release the preliminary report which contain the results of the community's input into the process.

Should the release of the report be delayed there is a risk that the participants may ultimately conclude that their efforts were ineffective or unworthy of their time and may have negative implications on future community engagement.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the Designing Our City Preliminary Report; and
2. APPLY the outcomes from the Preliminary Report in future 2029 and Beyond planning and activities.

CC030 DOG ACT AUTHORISED OFFICER

AGENDA REFERENCE:	D-11-28087
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	15 December 2011
FILE REFERENCE:	LE/7/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

This report provides recent information regarding challenges to Council enforcement of the Dog Act 1976 and seeks a Council resolution to appoint authorised persons.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City has been made aware of cases whereby the appointment of Authorised Officers under the Dog Act has been questioned in a Court setting. The point in question is the Authority to Act under authorisation of the Chief Executive Officer who had been furnished with an Instrument of Delegation under the Local Government Act. There is no current case law which clarifies this situation. In the interest of ensuring Council staff are duly authorised and if in the event of a charge being contested, this item seeks a resolution from Council to appoint Officers under the Dog Act of 1976.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Section 29 (1) of the Dog Act 1976 stipulates that a Local Government shall, in writing, appoint persons to exercise on behalf of the Local Government the powers conferred on an authorised person by the act.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There is no financial or budget implication.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- Goal 1: Opportunities for lifestyle.
- Outcome 1.3: A safe, secure and supportive community.
- Strategy 1.3.1: Support effective community emergency services and animal management.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic issues.

Social:

It is imperative that Council has Officers appropriately authorised under the Dog Act to ensure a safe community.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Rangers were authorised by the Chief Executive Officer on the 1 July 2011 to act under the Dog Act 1976.

DELEGATED AUTHORITY:

Council can appoint Officers to be authorised under Section 29 (1) of the Dog Act 1976.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

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

CONCLUSION:

It has been brought to the attention of Council that the appointments of Rangers under provisions of the Dog Act by the Chief Executive Officer have been questioned in a Court setting. While there is no definitive legal advice, the Executive Recommendation is highly recommended as a precaution against possible challenges. To mitigate this situation and to ensure Council staff are duly authorised under the Dog Act 1976, this item is presented for a resolution of Council. There is no third option for this report.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority as per section 29 (1) of the Dog Act 1976 RESOLVES to:

1. APPOINT the following persons as authorised officers for the period of their employment at the City of Greater Geraldton:
 - a. Konrad Seidl;
 - b. Judith Clarke;
 - c. Cole Tanner;
 - d. Craig Wing;
 - e. Douglas Brennan;
 - f. Emma-Jay Ingrams;
 - g. David Geqwin;
 - h. Benoit Tomasino;
 - i. William Currans;
 - j. Archie Brown; and
 - k. Peter Smith.
1. APPOINT the following persons as authorised officers for Dog Registration purposes for the period of their employment at the City of Greater Geraldton:
 - a. Alan Hughes;
 - b. Laarni Maddison;
 - c. Alison Barndon;
 - d. Ranelle Clarke;
 - e. Eleanor Fenner;
 - f. Rhonda Parker;
 - g. Belynda Mills;
 - h. Jenna McGregor;
 - i. Anita Morrissey;
 - j. Erica Foreman;
 - k. Gail Richards;
 - l. Johannes Muller; and
 - m. Valda Gray.

11.5 *Reports of Community Infrastructure*

CI006 RFT-11/1112 DETAIL DESIGN AND DOCUMENTATION OF THE EASTERN BREAKWATER PROJECT	
AGENDA REFERENCE:	D-11-27955
AUTHOR:	MH Struwig, Project Coordinator
EXECUTIVE:	N Arbuthnot, Director Community Infrastructure
DATE OF REPORT:	13 December 2011
FILE REFERENCE:	LP/9/0020
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - CONFIDENTIAL

SUMMARY:

Tenders for the Detail Design and Documentation of the Eastern Breakwater Project has been called and assessed. This report seeks Council approval to appoint the preferred Consultant to provide professional services as outlined in the project Brief for this project.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Geraldton foreshore is recognized as an iconic attraction for the City and the Mid-West region. It attracts tourists travelling by land and sea and is well-frequented by local residents. With the expansion of the City and, as economic activities in the Mid-West region increase, there is a need to further develop the foreshore to meet the growing demands placed upon it.

An opportunity now exists to reinvigorate the south-western area adjoining the current Geraldton foreshore. The enhancement of this otherwise isolated precinct would bring much needed amenity and facilities to the area.

The objective of the project is to integrate an otherwise isolated area of commercial, semi-industrial and brown-field site into a vibrant precinct allowing the City to further enhance and extend the iconic Geraldton foreshore. The project will add value to this underutilized precinct, increase connectivity to other amenity precincts, provide additional public open space and amenities in accordance with the approved concept plan prepared by Blackwell and Associates Pty Ltd and raise the profile for Geraldton and the Mid-West region

The City of Greater Geraldton issued a Request for Tender (RFT 11 1112) for the Detail Design and Documentation of the Eastern Breakwater) in October 2011 for the purpose of identifying and securing the professional services of a suitably qualified and experienced professional consultancy firm or consortium to deliver the Detailed Design and Documentation of the Eastern Breakwater

Project. A total of 3 submissions were received from the following Consultants:

1. AECOM;
2. Blackwell and Associates; and
3. GHD.

The submissions received varied in quality and the evaluation panel met on the 29 November 2011 to assess the submissions and finalise scores according to the qualitative criteria. Interviews were held with GHD on 8 December 2011 and with Blackwell and Associates on 9 December 2011 to gain further understanding on the critical issues regarding the project. Blackwell and Associates indicated the best understanding of the scope of the project, identified all possible risks associated with the design and provided all the structural, civil, architectural and coastal engineering support for the project. As a result the preferred consultant is Blackwell and Associates.

The Consultant, once appointed, will be required to enter into a Consultancy Agreement to provide all the necessary consulting services for the Detailed Design and Documentation of the Eastern Breakwater Project. The consultant may also be required to carry out other professional services as directed by the Principal.

COMMUNITY CONSULTATION:

This project is based on the Minister for the Environment and Heritage-Statement 600 published on 31 July 2002, the Special Electors meeting held on 6 June 2002, the Memorandum of Understanding between the City of Geraldton-Greenough and Geraldton Port Authority- signed 11 April 2003, the report from Peter Howard and Ann Larson (October 2009) with the title- Our Foreshore: A Survey of Geraldton-Greenough residents, the Minister for the Environment; Water approval of the Blackwell and Associates concept design dated 18 August 2011 and considerable community consultation.

COUNCILLOR CONSULTATION:

This project follows considerable Council and Officer consultation.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Council has a budget allocation of \$4.247M for the Design, Documentation and Implementation of the project.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- Goal 2: Opportunities for Prosperity
- Outcome 2.2: Greater Geraldton as a leading regional and rural destination.
- Strategy 2.2.1: Attract, facilitate and promote regional, national and internationally significant events.

Regional Outcomes:

The project will create a coastal precinct with a unique identity – adding value and connectivity to other foreshore precincts. It will also serve to add value and bring opportunities for accommodation and shopping enterprises to the Foreshore precinct of the City.

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

The project will attract tourists and local residents adding potential income for the surrounding businesses for meals, accommodation etc. with local economic benefit.

Social:

The development of this isolated area into a vibrant precinct, allowing the City to further enhance and extend the iconic Geraldton foreshore with value-added amenity infrastructure will undoubtedly improve social interaction of the community and will aid in future community engagement and projects in this area.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural & heritage issues.

RELEVANT PRECEDENTS:

Agenda Item CI051 presented to Council 22 March 2011- Adopt Concept designs from Blackwell and Associates and sought public comment for 45 days.

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 Section 3.57 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REJECT all tenders;
2. RECALL tenders; and
3. MAKE the Determination on the following grounds:-
 - a. To be determined by Council.

Option 3:

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

1. DEFER the item; and
2. MAKE the Determination on the following grounds:-
 - a. To be determined by Council.

CONCLUSION:

The evaluation panel members have unanimously agreed on and recommend the submission by Blackwell and Associates as being the most cost effective and beneficial to the City of Greater Geraldton. Blackwell and Associates demonstrated careful consideration of the project scope in their submission.

EXECUTIVE RECOMMENDATION:

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

1. AWARD RFT 11 1112 Provision of Professional Consultancy Services for the Detail Design and Documentation of the Eastern Breakwater project to Blackwell and Associates; and
2. RECORD the tendered amount in the minutes.

CI007	RFT-07/1112	CONSTRUCTION OF DERNA PARADE PARK, WANDINA
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AGENDA REFERENCE:	D-11-27990
AUTHOR:	M H Struwig, Project Coordinator
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	13 December 2011
FILE REFERENCE:	PR/1/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - CONFIDENTIAL

SUMMARY:

Tenders for the construction of Derna Parade Park in Wandina have been called and assessed. This report is to seek Council approval to reject all Tenders for the Construction of Derna Parade Park and to undertake the works by day labour and sub contract specialist services as required.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The current Greenfield site is now ready for construction following the preparation by AECOM of detailed design plans and specifications. Contractors were invited to tender for construction of the park in accordance with the designs and specifications provided for Tender and to submit a detailed pricing schedule and program for the Construction.

The objective of the project is to integrate an otherwise isolated area (brown field and park land) into a vibrant precinct park. The project will add value to this underutilized area and will increase connectivity for the community.

The City of Greater Geraldton issued a Request for Tender (RFT 07 1112) for the Construction of Derna Parade Park) in October 2011 for the purpose of identifying and securing the services of a suitably qualified and experienced contracting firm or consortium to Construct Derna Parade Park as per detailed design drawings and specification prepared by AECOM. A total of 5 submissions were received from the following Contractors:

1. Environmental Industries;
2. Robinson Build-Tech;
3. Earthcare Landscapes;
4. Lancon Environmental; and
5. DME Contractors.

The submissions received varied in quality and the evaluation panel met on the 29 November 2011 to assess the submissions and finalise scores according to the qualitative criteria. Due to the high cost factor of all 5 Tenders, the panel unanimously has recommended that no Tender be awarded and that and recommends that the works be undertaken by day labour and sub-contract to specialist contractors as required to complete the works.

Sub-contractors will be required to enter into a Contractors Agreement to provide the necessary construction services for the Construction of the various components of the project in accordance with the City's procurement policy and procedures.

COMMUNITY CONSULTATION:

Significant community engagement has taken place throughout the design stages of the project.

COUNCILLOR/OFFICER CONSULTATION:

Consultation has taken place throughout the stages leading up to the calling for Tenders.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Council has a budget allocation of \$570,266 (which comprises \$283,261 funds from the Country Local Government Fund). Additional funding will be sourced (Country Local Government Fund) to complete the project. The project will be undertaken in stages as funds become available.

All sub-contracts will be managed according to the budget availability.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

- | | |
|-----------------|---|
| Goal 2: | Opportunities for Prosperity. |
| Outcome 2.2: | Greater Geraldton as a leading regional and rural destination. |
| Strategy 2.2.1: | Attract facilitate and promote regional, national and internationally significant events. |

Regional Outcomes:

The objective of the project is to develop the brown field and park land into a vibrant precinct – allowing the City to further enhance parks and development. The project will add value to this underutilized precinct; increase connectivity to other amenity precincts; reduce pressure on existing amenities; and raise the profile for Geraldton and the Mid-West region

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

There is no economic impact or issues resulting from this project..

Social:

The development of this brown field site into a vibrant precinct park, will support future community engagement in this area.

Environmental:

The construction methodology will enable any environmental issues to be minimised and managed.

Cultural & Heritage:

There are no cultural & heritage issues.

RELEVANT PRECEDENTS:

There are no Relevant Precedents.

DELEGATED AUTHORITY:

It is proposed that sub-contractors will be appointed for various components of the project in accordance with delegated authority of the CEO.

VOTING REQUIREMENTS:

Simple majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REJECT all tenders;
2. RECALL tenders; and
3. Makes the Determination on the following grounds:-
 - a. To be determined by Council.

Option 3:

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

1. DEFER the item; and
 2. Makes the Determination on the following grounds:-
 - a. To be determined by Council.
-

CONCLUSION:

The evaluation panel members have unanimously agreed not to recommend any Tenderer and recommends that the work be undertaken using day labour and sub-contractors managed by City.

EXECUTIVE RECOMMENDATION:

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

1. REJECT all tenders on the grounds they do not meet value for money for the works;
2. DELEGATE authority to the CEO to deliver the project 'in-house' and to sub-contract specialist components of the works in accordance with the City's purchasing policy and procedures and Council delegation.

CI008	RFT-01/1112 PROFESSIONAL CONSULTANCY AND DESIGN SERVICES FOR THE STORMWATER HARVESTING AND AQUIFER RECHARGE PROJECT
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AGENDA REFERENCE:	D-11-28007
AUTHOR:	G Burton, Project Coordinator
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	8 December 2011
FILE REFERENCE:	SD/4/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - CONFIDENTIAL

SUMMARY:

Tenders were requested for Professional Consultancy Services for the Stormwater and Aquifer Recharge Project via a Request for Tender. This report is to seek Council approval to appoint the preferred Consultant to provide professional services for the preliminary investigation, detailed design and costing for the Stormwater and Aquifer Recharge Project.

PROponent:

The proponent is the City of Greater Geraldton (CGG).

BACKGROUND:

The City of Greater Geraldton (CGG) is taking positive steps towards becoming a climate-resilient, water-sensitive city. The projects outlined below will contribute significantly to this process, and support the emergence of CGG as a leading West Australian community, thriving on limited water supplies in a changing climate while driving regional economic development.

The potable water supply (Water Corporation scheme water) in CGG is sourced from a bore field within the Allanooka Subarea in the Arrowsmith Groundwater Area. The Allanooka Borefield is located 50km east/south east of the CGG and supplies potable water to the CGG, Dongara, Mullewa and Northampton. Due to an ever-increasing demand for potable water in the region, alternate "fit for purpose" water sources must be developed to reduce demand on this key groundwater source. The CGG sources its Public Open Space (POS) irrigation water from a combination of self-supply bores drawing from the local superficial aquifer and through the Water Corporation scheme water supply.

Increasing groundwater salinity has been noted in a number of local bores that could be attributed to either, or resulting from, a combination of sea water intrusion, increased demand and an observed decline in local rainfall.

Groundwater salinity in some areas has increased to a point where CGG has been forced to utilize scheme water to "Shandy" or completely replace the bore water being used for POS irrigation. In addition to the substantial cost associated with this are the ethical implications of the inappropriate use of large quantities of scheme water for this purpose, i.e. "not fit-for-purpose".

It is recognized that managed aquifer recharge (MAR) to the coastal superficial aquifer may offer an opportunity to reduce this demand on scheme water. Without this project the CGG anticipates a continuing increase in the use of scheme water for irrigation, which is not economical or sustainable.

The proposed projects will redirect and harvest storm water from urban catchments into the local superficial aquifer. It is intended to utilize this water to supplement or replace the scheme water currently used for POS irrigation.

The City of Geraldton-Greenough issued a Request for Tender (RFT01/1112) for provision of Professional Consultancy Services for the Stormwater Harvesting and Aquifer Recharge Projects. September 2011 for the purpose of preliminary investigation, detailed design and costing.

A total of 4 submissions were received from the following Consultants:

1. GHD
2. AECOM
3. RPS
4. TME

The evaluation panel met on the 20 October 2011 to assess the submissions, and finalise scores according to the qualitative criteria.

The Consultant, once appointed, will be required to enter into a Consultancy Agreement to provide all the necessary consulting services for the preliminary investigation, detailed design and costing for the Stormwater Harvesting and Aquifer Recharge Project.

COMMUNITY CONSULTATION:

As part of this project further community engagement will be undertaken during the course of the project.

COUNCILLOR/OFFICER CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Funding contributions will be 50 % CGG and 50 % Commonwealth grant. The project funding arrangements include investigation, concept and detailed Design and project implementation.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- Goal 4: Opportunities for Sustainability
- Outcome 4.3: Environmentally sustainability.
- Strategy 4.3.4: Advocate and apply sustainable water and energy management.

Regional Outcomes:

The project will be a demonstration model for future water wise urban design, and stormwater water harvesting and efficiency initiatives.

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

The project will potentially reduce the water consumption of potable water used for reticulation of POS.

Social:

The outcomes will improve on the quality of POS falling within the scope of the project.

Environmental:

The stormwater harvesting and aquifer recharge initiative encompassed in this project has potential to improve the quality of the groundwater presently being extracted for reticulation of POS.

RELEVANT PRECEDENTS:

Briefing note presented to council 29 November 2010.

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 Section 3.57 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REJECT all tenders;
2. RECALL tenders; and
3. MAKE the Determination on the following grounds:-

- a. To be determined by Council.

Option 3:

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

1. DEFER the item; and
2. MAKE the Determination on the following grounds:-
 - a. To be determined by Council.

CONCLUSION:

The evaluation panel members have unanimously agreed on and recommend the submission by RPS as being the most cost effective and beneficial to the City of Greater Geraldton. RPS provided very good responses to the selection criteria and demonstrated careful consideration of the project scope in their submission.

EXECUTIVE RECOMMENDATION:

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

1. AWARD RFT 01/1112 Provision of Professional Consultancy Services for the Stormwater Harvesting and Aquifer Recharge, to RPS; and
2. RECORD the tendered amount in the minutes.

CI009	PLACE AND FLORES ROAD INTERSECTION UPGRADE
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AGENDA REFERENCE:	D-11-28017
AUTHOR:	M Atkinson, Manager Infrastructure Planning & Design
EXECUTIVE:	N Arbuthnot, Director Community Infrastructure
DATE OF REPORT:	15 December 2011
FILE REFERENCE:	PM/4/0014
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - CONFIDENTIAL

SUMMARY:

The objective of this report is to appoint a contractor subject to available funding, to undertake the project. This report also seeks Council approval for the CEO to enter into a contract on behalf of the Council to undertake the works.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Place and Flores Road intersection upgrade project has been in the design phase for a number of years. The City has now advanced the project to a point where it is ready for construction.

The project is funded from a variety of sources, which are listed below:

Regional Road Group	\$760,000
Black Spot	\$180,000
Roads to Recovery	\$252,000
City of Greater Geraldton	\$492,600

Current funding totals \$1,684,600. Current expenditure totals \$334,950. AECOM consultants were engaged this year to verify the construction estimate which was calculated at \$4.5M, identifying a significant deficit. The City has applied to the Midwest Development Commission (MWDC) through the \$220M Mid West Infrastructure Fund in the interim seeking additional funds of \$2,815,400. Latest advice from the MWDC is that the additional funding is supported; however there has been no formal commitment of funds as yet.

AECOM consultants were engaged to evaluate tender submissions and have recommended a contractor for award. Due to elapsed timeframe since calling for tenders, further negotiations are required to finalise the contract amount and enter into a contract with the preferred tenderer.

COMMUNITY CONSULTATION:

Not applicable.

COUNCILLOR CONSULTATION:

A Briefing Note has been provided to Councillors.

STATUTORY IMPLICATIONS:

None identified.

POLICY IMPLICATIONS:

None identified.

FINANCIAL AND BUDGET IMPLICATIONS:

Additional funds required to meet the shortfall in the projects' budget are being sought. An application is currently being processed through Midwest Development Commission.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 4:	Opportunities for Sustainability
Outcome 4.2:	Improved Transport and Accessibility
Strategy 4.2.2:	Improve our network of urban, rural and regional roads, cycleways, trails and paths.

Regional Outcomes:

The project will improve safety; provide opportunity for local construction companies; improve efficiency for freight movements; provide connectivity from the existing light industrial area to support the future Oakajee Industrial Park; and promote access to the light industrial area which provides services to the Mid-West Region. The project will have reserve capacity as has been designed to cater for traffic movements up to the design year of 2030.

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

Without the intersection improvements prosperity of the existing light industrial area and that of the community will be strangled by inefficiency, lack of opportunity and a growing accident rate as traffic volumes exceed the capacity of the intersection. This project is seen within the community as an essential component in Geraldton's future growth strategies. There is also a significant area of future residential land to the east that will access the intersection over time.

Social:

The surrounding residential and business community will benefit from the increased safety provided by the consolidated and signalised intersection arrangement. Pedestrians will have dedicated crossing opportunities and cyclists will also be catered for.

Environmental:

The project includes provisions for all pedestrian and cyclist movements and the geometry allows for bus and 36.5m road train turning movements. These measures will facilitate and encourage more sustainable transportation choices.

Cultural & Heritage:

The existing decommissioned rail alignment that bisects the site will be acknowledged with appropriate signage and surface treatment.

RELEVANT PRECEDENTS:

None identified.

DELEGATED AUTHORITY:

To the CEO to enter into a contract on behalf of the Council subject to final negotiations on contract price and availability of funding.

VOTING REQUIREMENTS:

Simple Majority.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REJECT all tenders;
2. RECALL tenders; and
3. MAKE the Determination on the following grounds:-
 - a. To be determined by Council.

Option 3:

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

1. DEFER the item; and
2. MAKE the Determination on the following grounds:-
 - a. To be determined by Council.

CONCLUSION:

This project has been underway for a number of years and the City is now in a position to commence construction subject to the final allocation of funding to complete the project and negotiations with the preferred contractor.

EXECUTIVE RECOMMENDATION:

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

1. DELEGATE authority to the CEO to enter into a contract with the Northcoast Holdings Pty on behalf of Council for the construction of the Place Road & Flores Road intersection, subject to:
 - a. Confirmation of funds to complete the project through the Mid-West Regional Infrastructure Fund;
 - b. Any escalation in price due to elapsed time from calling of tenders is in accordance with industry movements in materials, labour and plant price indices for the region; and
2. RECORD the tendered amount in the minutes.

11.6 Reports of Commercial Enterprises

CE021	LEASE – PORTION OF THE EDWARD ROAD ADMINISTRATION CENTRE
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AGENDA REFERENCE:	D-11-25555
AUTHOR:	L MacLeod, Land and Leasing Facilitator
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	25 November 2011
FILE REFERENCE:	A68866
APPLICANT / PROPONENT:	Mid-West Regional Council
ATTACHMENTS:	No

SUMMARY:

This report seeks Councils approval to enter into a new lease agreement with the Midwest Regional Council for office space at the Edward Road Centre located at Lot 47 Horwood Road.

PROPONENT:

The proponent is the Midwest Regional Council.

BACKGROUND:

The Department of Creative Communities, the Department of Sport and Recreation and the Midwest Regional Council currently occupy the Edward Road Administration Centre. The Midwest Regional Council (MRC) has been in occupancy since 2007, and seeks further tenure upon expiry of their current lease for the 64.41 of office space.

Following the relocation of the Department of Commercial Enterprises from the Edwards Road Administration Centre to the Mezzanine floor at the Queens Park Theatre, it was resolved by council at its meeting of 19 April 2011 to enter into a lease agreement with the Department of Sport and Recreation for an initial area of 159 square metres of office space at the Centre. This area is to be increased to encompass the entire building upon the relocation of the remainder of the City's staff estimated to occur sometime in 2011/12.

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

1. *GIVE local public notice of the intent to:*
 - a. *lease 159m2 of office accommodation plus meeting room at the Edward Road Administration Centre located at Lot 47 Horwood Road, Utakarra to the Department of Sport and Recreation, and*
 - b. *offer the department the option to extend the lease to the whole of the available office space within the Centre (excluding the Council Chambers section of the building), when vacated by City personnel during 2011-12;*
2. *MAKE the determination subject to:*
 - a. *advertising notice period of no less than two weeks inviting public submissions;*
 - 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 one (1) year lease agreement with the further option of one (1) year, with the Department of Sport and Recreation at a lease fee of \$32,500 plus GST per annum for the initial area of 159 square metres of office space plus meeting room and, when additional office space is vacant and available (excluding the Council Chambers section of the complex), provide that additional space, increasing rental payable to \$60,000 per year;*
 - 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 paying:*
 - i. *all outgoings including rates and utilities;*
 - ii. *all costs associated with the installation of separate phone lines and internet services;*
 - iii. *any costs associated with the preparation and execution of the lease document.*
4. *DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and*
5. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

CARRIED 11/0

Bearing this in mind, the City and the Midwest Regional Council have agreed to incorporate a 90 day termination clause in the new draft lease.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no prior consultation with elected members on this matter.

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

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

However as the Midwest Regional Council is a Local Government Entity, they are exempt from Section 3.58 of the Local Government Act 1995 pursuant to Regulation 30(2)(c)(iii) of the Local Government (Functions and General) Regulations 1996.

30. Dispositions of property to which section 3.58 of Act does not apply

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth;*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth;*
or
 - (iii) *another local government or a regional local government;*

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The lease fee for the 64.41 square meters of office space and the use of shared facilities equates to \$15,303.81 (excluding GST) based on a market valuation conducted in March 2011. CPI will be applied prior to the further lease term.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- Goal 2: Opportunities for Prosperity
- Outcome 2.3: Greater Geraldton as a major regional centre.
- Strategy 2.3.4: Partner with local key stakeholders and alike regional cities to position Geraldton as a major Western Australian and Australian regional city centre of influence.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic impacts relating to this proposal.

Social:

There are no social impacts relating to this proposal.

Environmental:

There are no environmental impacts relating to this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

The City currently leases office accommodation to businesses for various purposes.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

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

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

CONCLUSION:

Entering into a new lease agreement with the Midwest Regional Council will provide the council with appropriate time to find a suitable premise to relocate upon notice of termination pending acceptance of the offer to the DSR to lease the remainder of the building after the vacation of City staff.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE to lease 64.41 square metres of office space located at the Edward Road Administration Centre, Lot 47 Horwood Road, Utakarra, to the Midwest Regional Council;
2. SET the proposed conditions as:
 - a. enter into a 12 month lease agreement with no further option of renewal;
 - b. the lease may be terminated by either party giving no less than 90 days written notice;
 - c. commence the lease fee at \$15,303.81 plus GST per annum paid quarterly in advance; and
 - d. the lessee being responsible for paying:
 - i. all outgoings including rates and utilities; and
 - ii. any costs associated with the preparation and execution of the lease document.

CE022 DESIGN AND TECHNICAL SPECIFICATION FOR CONSTRUCTION NEW PARALLEL RUNWAY GERALDTON AIRPORT REQUEST FOR TENDER 03 1112
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AGENDA REFERENCE:	D-11-28045
AUTHOR:	B Urquhart, Manager Geraldton Airport
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	15 December 2011
FILE REFERENCE:	TT/1/0006
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (Confidential)

SUMMARY:

This report informs the Council of assessment results for the tender RFT 03 1112 for design and technical specifications for the construction of a new parallel runway at Geraldton Airport and seeks approval to award the tender to the preferred company.

Request for Tender 03 1112 was advertised in the West Australian Newspaper on 15 October 2011 and the Geraldton Guardian on 7 October 2011.

Tenders were received from CPG Australia Pty Ltd, Lycopodium Minerals Ltd, GHD, Aerodrome Management Services, Arup, Aecom, Aurecon, Lowes Churchill and Associates. (See Confidential Attachment).

PROponent:

The proponent is the 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.

At the Council meeting held 13 July 2011 Council was presented with details of funding allocations for this project and resolved the following;

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.*

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.

COUNCILLOR 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.

Council approved the allocation of \$240,000 (excluding GST) within the 2011-12 financial year from the Airport Reserve for full construction design specifications for a new runway at Geraldton Airport. With \$240,000 grant, total funding available is \$480,000.

The preferred tender price is less than the total funding available, however the balance of funding provides ability to retain the services of Andrew Forte, the Airport Master Planner, as part of the City project team, with the specific role of providing the City with independent specialist aviation infrastructure skills for quality assurance of the detailed design process, in particular to ensure compliance with International and National airport construction standards.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 2:	Opportunities for Prosperity
Outcome 2.2	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.2	Promote tourism and investment opportunities including cultural tourism.
Outcome 2.3	Greater Geraldton as a major regional centre
Strategy 2.3.4	Partner with local key stakeholders and alike regional cities to position Geraldton as a major Western Australian and Australian regional city centre of influence.
Outcome 2.4:	Western Australia's major logistics and industry hub
Strategy 2.4.4:	Advocate for improved connectivity for road, rail, sea and air (infrastructure and services) with Western Australia and nationally

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 no directly relevant precedents.

DELEGATED AUTHORITY:

The Chief Executive Officer has delegated authority 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.

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 s3.57 of the Local Government Act 1995 (as amended) RESOLVES to:

3. REJECT all tenders;
4. RECALL tenders; and
5. MAKES the determination on the grounds that none of the tenders provide value for money.

Option 3:

That Council by Simple Majority pursuant to s3.57 of 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 unanimously agreed and recommended the acceptance of the submission by Aerodrome Management Services based on:

1. technical expertise and skills;
2. demonstrated understanding of the Geraldton Airport;
3. company resources and experience; and
4. pricing schedule.

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 Simple Majority pursuant to s3.57 of the Local Government Act 1995 (as amended) RESOLVES to:

1. AWARD RFT 03 1112 for the Design and Technical Specification for the Construction of a New Parallel Runway at Geraldton Airport to Aerodrome Management Services; and
2. RECORD the tender amount in the minutes.

CE023	ASSIGNMENT OF LEASE – MAL DUNN PTY LTD TO ML & KL DUNN PTY LTD
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AGENDA REFERENCE:	D-11-25561
AUTHOR:	L MacLeod, Land and Leasing Facilitator
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	1 December 2011
FILE REFERENCE:	PM/6/0006
APPLICANT / PROPONENT:	ML and KL Dunn Pty Ltd
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Councils approval to assign the lease of land at the Geraldton Airport Hangar Precinct from Mal Dunn Pty Ltd to ML and KL Dunn Pty Ltd.

PROPONENT:

The proponent is ML and KL Dunn Pty Ltd.

Mal Dunn Pty Ltd – ABN 31 009 309 602 – ACN 009 309 602 – Australian Private Company

Director: Neville Ian DUNN

K.L Dunn and M.L Dunn – ABN 15 771 724 487 – Family Partnership

Proprietors: Kerry and Malcolm (Mal) DUNN

BACKGROUND:

It was resolved by the former Shire of Greenough to assign that portion of Airport hangar land from Seawood Pty Ltd to Mal Dunn Pty Ltd at its council meeting of 27 July 2005. Council also resolved to extend the lease agreement beyond its expiry date of 31 October 2008 for a further 10 years.

ML and KL Dunn Pty Ltd have purchased the hangar from Mal Dunn Pty Ltd and request to assign of lease.

COMMUNITY CONSULTATION:

Should Council grant approval to enter into a lease agreement with ML and KL Dunn Pty Ltd, that intention will be advertised and public submissions will be invited for a period of not less than 14 days pursuant to Section 3.58 of the Local Government Act 1995.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

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

Section 3.58:

(2) *In this section –*

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

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

POLICY IMPLICATIONS:

There are no policy implications with this proposal.

FINANCIAL AND BUDGET IMPLICATIONS:

The current lease rate is \$2669.60 plus GST per annum increased by CPI annually.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- | | |
|-----------------|--|
| Goal 1: | Opportunities for Lifestyle. |
| Outcome 1.2: | A healthy community through sport, recreation and leisure opportunities. |
| Strategy 1.2.3: | Support sustainable recreation and leisure facilities. |

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:

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

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

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

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

CONCLUSION:

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

EXECUTIVE RECOMMENDATION:

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

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

CE024	LEASE – MOBIL OIL AUSTRALIA – GERALDTON AIRPORT
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AGENDA REFERENCE:	D-11-25562
AUTHOR:	L MacLeod, Land and Leasing Facilitator
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	3 December 2011
FILE REFERENCE:	PM/1/0006
APPLICANT / PROPONENT:	Mobil Oil Australia Pty Ltd
ATTACHMENTS:	No

SUMMARY:

The objective of this report is to seek councils support to extend the lease term with Mobil Oil Australia Pty Ltd for the aviation fuel depot at the Geraldton Airport.

PROPONENT:

The proponent is Mobil Oil Australia Pty Ltd.

BACKGROUND:

At its meeting of 22 February 2011, council resolved to enter into a new lease agreement with Mobil Oil Australia Pty Ltd (formally Exxon Mobil Australia Pty Ltd) for the aviation fuel depot at the Geraldton Airport for a period of three (3) years.

Mobil Oil Australia has since requested the lease term be extended from the agreed term of three (3) years to a term of five (5) years with a further term of five (5) years. This would provide Mobil Oil Australia a secure tenure for the aviation fuel depot at the airport.

COMMUNITY CONSULTATION:

Should council support the proposal to amend the proposed lease term, local public notice inviting submissions will be advertised and received for a period of not less than two weeks pursuant to section 3.58 of the Local Government Act 1995.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

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

Section 3.58:

- (3) *In this section –*
“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely of not;
“property” includes the whole or any part of the interest of a local government in property, but does not include money
- (6) *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 –*
 (x) *describing the property concerned; and*
 (xi) *giving details of the proposed disposition; and*

- (xii) *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 with this proposal.

FINANCIAL AND BUDGET IMPLICATIONS:

A current ground market valuation was conducted in accordance with section 3.58(4)(c) of the Local Government Act 1995. Lease fees are based on the current ground market valuation of \$13.50 per square metre plus GST. The application for an area of 1323m² would equate to \$17,860.50 plus GST per annum. CPI will be applied annually except at the conclusion of the three year lease period where a current market revaluation would be conducted to determine the lease fees. The lessee will be responsible for paying all rates, taxes and utilities associated with this land.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

- Goal 4: Opportunities for Sustainability.
- Outcome 4.2: Improved transport and accessibility.
- Strategy 4.2.3: Develop regional air services.

Regional Outcomes:

Provision of the fuel facility at the Geraldton Airport allows for regional, state and international aircraft to utilise the airport for refuelling thus providing for an integral link in air service availability.

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

The fuel depot provides fuel for all aircraft utilising the airport thus attracting and helping to sustain both old and new investment to the Midwest Region. Lease fees assist in the ongoing development and maintenance of the airport.

Social:

There are no social impacts with this proposal.

Environmental:

Regulations controlling the correct handling of fuel distribution ensure there are minimal environmental impacts as a result of this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

The City currently leases land at the Geraldton Airport to individuals and companies for aviation related purposes.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

3. REJECT this item; and
4. MAKES the determination based on the following reason:
 - b. To be determined by council.

Option 3:

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

1. DEFER this item; and

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

CONCLUSION:

With regular public transport passenger numbers at the airport projected to reach 151,355 over the next decade with two carriers potentially operating the F100 or B717-200 jets (both 100 seat) the continued establishment of a long term aviation fuel depot is essential.

Support for the executive recommendation will provide Mobil Oil Australia Pty Ltd with a secure lease tenure for the next 10 years.

EXECUTIVE RECOMMENDATION:**PART A**

Council by 1/3rd Majority CONSIDERS to RESCIND the Council Decision made at the Ordinary Meeting of Council on 22 February 2011:

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

1. *GIVE local public notice of the intent to lease 1323m² of land being a portion of Lot 364 Geraldton Mount Magnet Road, Moonyoonooka to Exxon Mobil Australia Pty Ltd for the purpose of an aviation fuel depot ;*
2. *MAKE the determination subject to:*
 - a. *advertising notice period of no less than two weeks inviting public submissions;*
 - 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 three (3) year lease agreement with Exxon Mobil Australia Pty Ltd at a square metre rate of \$13.50 plus GST per annum (which equates to \$17,860.50 plus GST);*
 - b. *adjust the lease fee 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;*
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.*

PART B

Council by Absolute Majority RESOLVES to RECIND the Council Decision made at the Ordinary Meeting on 22 February 2011:

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

1. *GIVE local public notice of the intent to lease 1323m² of land being a portion of Lot 364 Geraldton Mount Magnet Road, Moonyoonooka to Exxon Mobil Australia Pty Ltd for the purpose of an aviation fuel depot ;*
2. *MAKE the determination subject to:*
 - a. *advertising notice period of no less than two weeks inviting public submissions;*
 - 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 three (3) year (3) year lease agreement with Exxon Mobil Australia Pty Ltd at a square metre rate of \$13.50 plus GST per annum (which equates to \$17,860.50 plus GST);*
 - b. *adjust the lease fee 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;*
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.*

PART C

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

1. *GIVE local public notice of the intent to lease 1323m² of land being a portion of Lot 364 Geraldton Mount Magnet Road, Moonyoonooka to Mobil Oil Australia Pty Ltd for the purpose of an aviation fuel depot;*
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 five (5) year lease agreement with a further term option of five (5) years at a commencement lease fee of \$17,860.50 plus GST;*
 - b. *adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index except at the commencement of the further term option at which time a*

- current market valuation will be conducted and the lease fees adjusted accordingly;
- c. the lessee being responsible for separately paying all applicable rates, taxes and other utilities; and
 - d. the lessee being responsible for separately paying all costs associated with the preparation and execution of the lease document:
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.

CE025	RESTORATION OF OUTSIDE MALE AND FEMALE TOILETS / CHANGE ROOMS - AQUARENA
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AGENDA REFERENCE:	D-11-25563
AUTHOR:	J Spriggs, Aquarena Operations Manager
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	21 November 2011
FILE REFERENCE:	PM/8/0031
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

This report seeks Council approval for a budget amendment of \$40,000 to enable urgent repairs to the building fabric and plumbing of the outside male and female toilets/change rooms at the Aquarena.

PROPONENT:

The proponent is City of Greater Geraldton.

BACKGROUND:

The outside change rooms and toilets at Aquarena date back to original construction of the facility. The structure comprises brick walls without roof. In recent years, the brick structure has deteriorated to the point where bricks have been displaced and fallen from the upper walls. The problem of deterioration is exacerbated by youths scaling the walls, further damaging the brick structure, and breaking plumbing footings used as footholds.

The City engaged Structerre Consulting Engineers to conduct an inspection on the existing external male and female toilets/change rooms and advise on their structural state. Their report states that the existing male and female toilets/change rooms are not in a structurally acceptable state based on the following reasons:

- The structures do not comply with current standards - Table 12.3 in AS3700 (Masonry Structures) specifies no more than 2400 max centres between piers to an unreinforced single leaf wall;
- There is a high likelihood of injury, due to youths jumping over the walls, with potential failure/collapse of the walls in the process.

The consultant engineers have advised that the structure has reached the end of its economic life, and have recommended that the building be demolished and replaced, as the extent of works required to restore the existing structure to a structurally acceptable level will require substantial reconstruction investment, and still require expensive ongoing maintenance into the future.

Officers have investigated the option of transportable ablution buildings as an interim solution, as well as obtaining quotes from local businesses for essential restoration of the site to make it safe.

Transportable ablution blocks were deemed too costly for a temporary measure.

Replacement of all plumbing and the restoration of the structure has been investigated and quotes obtained.

Since 2009, dialogue has been underway with Department of Sport and Recreation (DSR), to progress a proposition involving construction of a Sports House facility at the Aquarena, ideally to be constructed over the area currently occupied by the change room/toilet structures, and creating opportunity for new change room and toilet facilities to be integrated into that multi-storey structure, along with a wellness centre.

The City deferred refurbishment and structural maintenance work on the change room blocks, pending outcomes of internal DSR processes and subsequent State funding processes. DSR was unsuccessful in gaining Royalties for Regions funding for 2011-12 for their regional Sports Houses initiative.

Confronted now with public safety and patron amenity issues at the Aquarena, the City can no longer defer the structural maintenance and refurbishment work. Funding to enable the necessary work to proceed as quickly as possible is therefore sought.

Option of Demolition

Councillors inquired as to the option of demolition as opposed to repair and renovation, or replacement with temporary or permanent facilities.

Requirements under clause 2.20 of the current Aquatic Centres code regarding sanitary amenities:

- aquatic facilities shall be provided with toilets, hand-wash basins, showers and change rooms
- facilities shall be provided for persons using the aquatic facilities in accordance with the following requirements
 - one water closet for every 40 female patrons
 - one water closet plus one urinal for every 60 male patrons
 - one shower for every 40 patrons
 - one hand basin for every 60 patrons

Currently, Aquarena has:

- Female:
 - inside showers 5, outside 8 (patrons 200 inside/320 outside)
 - inside toilets 7, outside 6 (patrons 280 inside / 240 outside)
 - inside basins 4, outside 8 (patrons 240 inside / 480 outside)
- Male:
 - inside showers 5, outside 7 (200 inside / 280 outside)
 - inside basins 4, outside 6 (240 inside / 360 outside)
 - inside toilets 3, outside 4; urinal 1 inside, outside 2 (180 inside / 240 outside based on water closets)

[Note that outside facilities were constructed prior to the current Code for aquatic centres].

- Other – for staff and special needs:
 - inside showers 3
 - inside toilets 2
 - inside basins 2

If we were to close the outside change rooms, this would dramatically effect the number of patrons we would be able to cater for within the facility.

Heaviest patronage is during summer, and particularly during the school vacation period. Hot summer weekend days see patronage in the range 800-1000 people.

Closing the outdoor change room/toilet/shower facilities without replacing them is not an option at this time of year. Making them safe and fit for use is essential, unless timely replacement is possible.

Option of Demolition and Replacement with Transportable Facilities

The option of demolition and replacement with transportable ablution block facilities (as utilised for mining camps) was explored.

Likely cost to demolish the existing building, and remediate the site for placement of temporary transportable facilities is estimated between \$25,000 - \$35,000 but that estimate is based on initial inspection only, without detailed evaluation of plumbing and services remediation.

Cost of purchase of male and female units to provide similar capacity was ascertained by inquiry to manufacturers of such facilities. A fundamental problem is that to replace current outdoor female toilet, basins and showers capacity, four transportable units would be required, at cost in the order of \$48,500+GST, totalling \$194,000 + GST plus all costs of transport, installation and utilities connection. Unfortunately, each of these ablutions units is 12Mx3M and there is not sufficient space at Aquarena to fit them – let alone fit additional Male units.

Cost of leasing: one detailed quote was obtained within the time available. For a 4 toilet, single shower unit, plus a larger unit providing 4 male toilets and urinal, and two female toilets, plus basins, costs are \$3586 +GST per month, with 2x\$6038 transport costs to site from Perth. Nothing else will fit into the available space. Minimum cost for a 12 months lease would thus be around \$55,108 + GST. In addition, the client must pay for:

- unloading and loading cranes
- site preparation and footings
- utility connections
- Insurance of the units.

These units, able to fit into available space, would not replace the current toilet and showers capacity.

The option of demolition of the existing structure and either purchasing or leasing transportable ablutions units is not supported, based on inability to replace the current toilet and showers capacity within the available space, using stock design transportable units – and cost.

COMMUNITY CONSULTATION:

This matter has been discussed at meetings with the Aquarena User Group.

COUNCILLOR CONSULTATION:

There has been no Councillor Consultation.

STATUTORY IMPLICATIONS:

Section 6.8 of the Local Government Act requires that any expenditure not included in the annual budget must be authorised by Absolute Majority.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

No provision was made in the 2011-12 Budget for the proposed works.

This report seeks Council approval of amendments to the 2011-12 Budget, with the additional allocation of funds, for Aquarena Buildings Capital Expenditure;

- \$10,000 for immediate brick structure repair;
- \$10,000 for plumbing material replacements.
- \$20,000 for a suitable steel framed structure/s, with roofing over whole or partial areas, to be tied to the brick walls.

These funds can be made available from the Assets Renewal reserve account.

STRATEGIC & REGIONAL OUTCOMES:

Strategic & Plan for the Future Outcomes:

Key Result Area 1.2.1: Opportunities for Lifestyle

Outcome 1.2: A healthy community through sport, recreation and leisure opportunities.

Strategy 1.2.1: Provide accessible active and passive recreational spaces.

Regional Outcomes:

There are no specific regional outcomes.

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

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

An absolute majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority pursuant to s6.8 of the Local Government Act 1995 (as amended) RESOLVES to:

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

Option 3:

That Council by Absolute Majority pursuant to s6.8 of the Local Government Act 1995 (as amended) RESOLVES to

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

CONCLUSION:

The current state of the existing outside male and female toilets/change rooms poses a safety threat to community members that utilize the facility. The structure does not comply with Table 12.3 in AS3700 (Masonry Structures) and requires remediation. The plumbing facilities for toilets and showers require replacement, for public amenity.

Support for Option 1, the executive recommendation, will enable conduct of restoration and reinforcement of the structure refurbishment of plumbing to comply with relevant standards and prevent any injury that may occur at the facility – which is risk exposure with the structure in its current state.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to s6.8 of the Local Government Act 1995 (as amended) RESOLVES to:

1. AMEND the City of Greater Geraldton budget for 2011-12 to include additional funds of \$40,000 to be transferred from the Asset Renewal Reserve, for change room remedial works at the Aquarena.

CE026	LEASE OF LAND AT GERALDTON AIRPORT TO GERALDTON AIR CHARTER
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AGENDA REFERENCE:	D-11-25912
AUTHOR:	B Davis, Director Commercial Enterprises
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	5 December 2011
FILE REFERENCE:	PM/6/0006
APPLICANT / PROPONENT:	Geraldton Air Charter
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Council approval to lease 375 square metres of Airport land adjacent to Gordon Garrett Drive, being portion of Lot 363 Geraldton Mount-Magnet Road, Moonyoonooka, to Geraldton Air Charter (GAC) for the purpose of siting of a general aviation terminal building and offices.

PROponent:

The proponent is Geraldton Air Charter (GAC).

BACKGROUND:

Geraldton Air Charter (GAC) is a commercial General Aviation (GA) business based at the Geraldton Airport, offering charter services. GAC currently lease 58 square metres of space in the Brearley Terminal, and that lease (now on monthly holdover) expired on 30 November 2011.

Coincidentally, November 2011 also saw commencement of QantasLink RPT services through Geraldton Airport. As a result of operation of multiple RPT airlines (Skywest, Skippers and QantasLink) requiring use of primary apron space, and the respective service schedules of the airlines, the Office of Transport Security (OTS) determined that the Secure Apron Zone associated with security screening of crew, passengers and baggage at Geraldton Airport must embrace designated apron bay numbers two, three and four. Apron bay number 2 is immediately adjacent to the Brearley Terminal and was previously utilised by GAC to park their aircraft, with ease of passenger and crew access from Brearley terminal enabled via a security gate.

Under Federal airport security screening regulations, during designated periods of operation of security screening (which begin 30 minutes prior to arrival of a scheduled service utilising an aircraft requiring security screening, and end 30 minutes after departure of that aircraft), any other aircraft entering the secure apron zone must also have its crew, passengers and baggage screened – via the facilities located in the Greenough terminal. Security screening attracts a per-passenger fee. During designated screening periods, the airside security access gate from Brearley terminal to Bay 2 must be locked. Should a GA aircraft enter the secure zone and use Bay 2, during a designated screening operations period – the crew, passengers and baggage must be screened via the Greenough terminal.

To avoid that inconvenience for passengers and crew, and avoid payment of security screening fees, aviation operators must avoid entering the secure zone and not use Bay 2.

To solve this immediate problem, to park aircraft outside the secure zone, GA operators using the Brearley terminal may use Bay 1 which is located further north on the primary apron, and may also use available apron space north of designated Bay 1. A new footpath and secure airside access gate have been installed to enable entry of passengers and crew north of the secure zone. Use of Bay 1 adds only slight inconvenience for passengers and crew.

Use of apron space further north involves a longer walk of passengers, past the aircraft fuel storage facility, and – if GA aircraft are active on the northern apron area – adds an element of airside risk to passengers. However, until such time as OTS determines any new requirements, for the time being it remains perfectly viable for a GA operator to utilise the Brearley terminal, not using apron Bay 2 during designated screening periods, and utilising Bay 1 during screening periods – with minor operational inconvenience.

OTS makes its determinations independent from the City, based on assessments of RPT Airline schedules. QantasLink or Skywest can change their schedules at any time, so there remains a degree of uncertainty relating to continuing availability of Bay 1. The City is in no position to forecast if/when the apron security zone might be extended.

In July 2012, new national air security regulations come into force. Currently, mandatory security screening applies to Jet passenger aircraft providing RPT services – plus any aircraft in the secure apron zone during designated security screening periods associated with RPT Jets. From 1 July 2012, mandatory screening will apply to all RPT services aircraft with maximum take-off weight exceeding 20 tonnes.

That will include normally configured F50 turbo-prop aircraft, and larger turbo-prop aircraft such as the QantasLink Q400. The potential for extension of the secure apron zone thus increases in July 2012, adding to uncertainty about practicability of using Brearley terminal as a GA passenger terminal, going forward.

These changes are not attributable to any determinations/decisions by the City, but arise from:

- Deregulation of Geraldton Airport by the State Government,
- Entry of Skippers into the market,
- November entry of QantasLink into the market, and
- Mandatory Federal airport security screening requirements.

After considering a range of potential options, GAC have requested lease of 375 square metres of land (15x25 metres) adjacent to Gordon Garrett Drive, in close proximity to the airside security boundary fence, to the north of existing hangars, as shown in Figure 1, to place suitable transportable buildings, including toilets, to establish a small general aviation terminal.

Placement of suitable transportable buildings, designed to meet the requirements of the Technology Park development standards approved by Council, would have no detrimental effect on either airport functionality or aesthetics.



Figure 1: Proposed site for GAC Terminal

Use of this location for this proposed purpose is consistent with intentions of the GA apron and building reserve envisaged in the proposed Airport Master Plan endorsed in principle by the City Commissioners in September 2011, as shown in Figure 2. The proposed site is the western-most lot in the next intended row of lots for GA hangars and associated buildings.

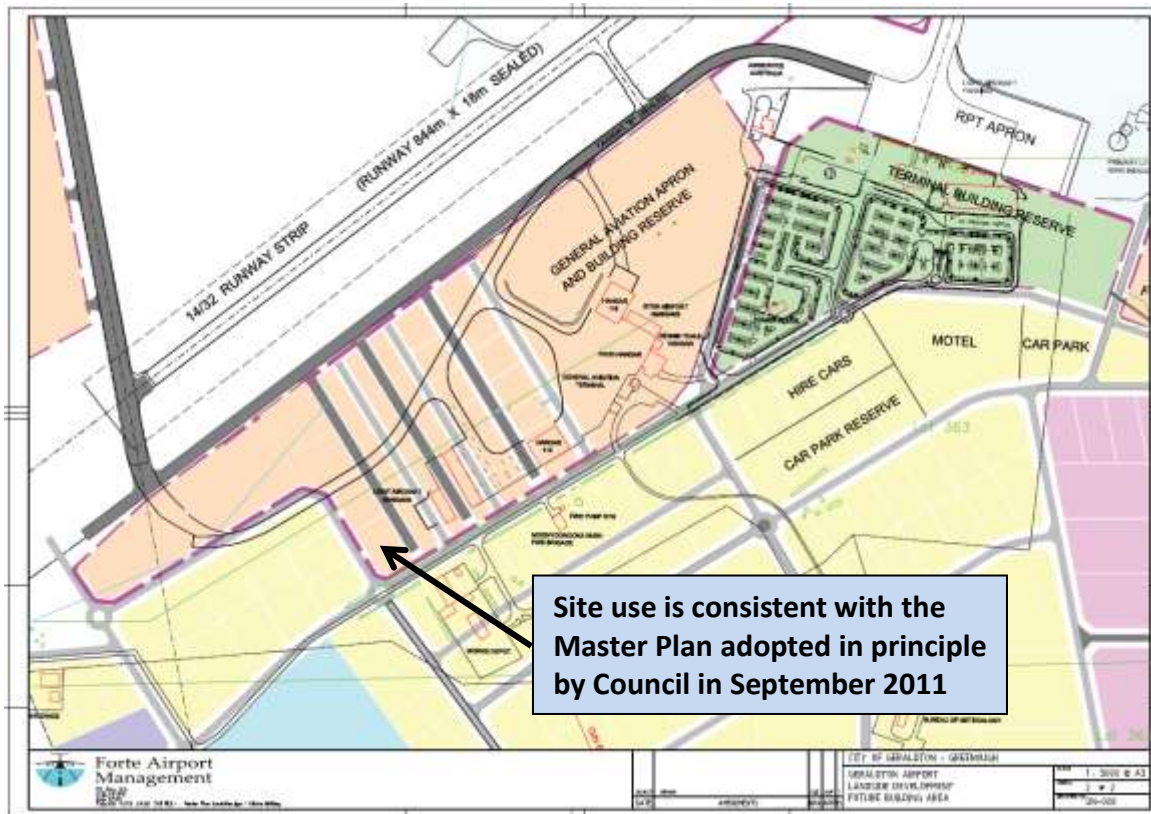


Figure 2: Geraldton Airport – Master Planned GA Apron & Building Reserve

Development in this specific area, north of existing hangar developments, requires the City to undertake preparatory site works, to create suitably level building sites along the envisaged row of development lots. The site works must also ensure appropriate site drainage, and provide a taxiway reserve that meets the 2 degree gradient requirement for aircraft movements. The hangar service slip road, east of Gordon Garratt Drive, also requires extension to enable vehicle access. Fencing work is also required.

The land in this immediate area drops away from the existing hangar developments, and in present landform it experiences water flows in some sections during winter. Geo-characteristics were identified in previous planning work, and the need to utilise fill to create necessary level site areas was previously known. Fill of up to 1 metre may be required in some sections.

Cost of necessary preparatory site works, including fill, road extensions, fencing, and provision of water and electricity services to the development site boundary, is estimated at \$50,000.

It is important to note that these preparatory works have to be carried out before *any* lots in this development row can be released for lease. The required works are *not a direct consequence of this proposal*. GAC simply happen to be the first proponents of a land lease proposal in this planned row of GA building developments. However, the proposal does require Council to bring forward what would otherwise have been works programmed at a later time. This is possible within existing budget allocations.

As noted in Figure 3, the southern boundary of the proposed new row of development lots will be set parallel with the existing hangars, allowing for a taxiway reserve 40 metres wide. A building reserve row 15 metres wide will be bordered on its northern side by a future roadway reserve, consistent with the alternating road/hangars/taxiway-apron 'finger' development model envisaged in the master planning adopted in-principle by Council.

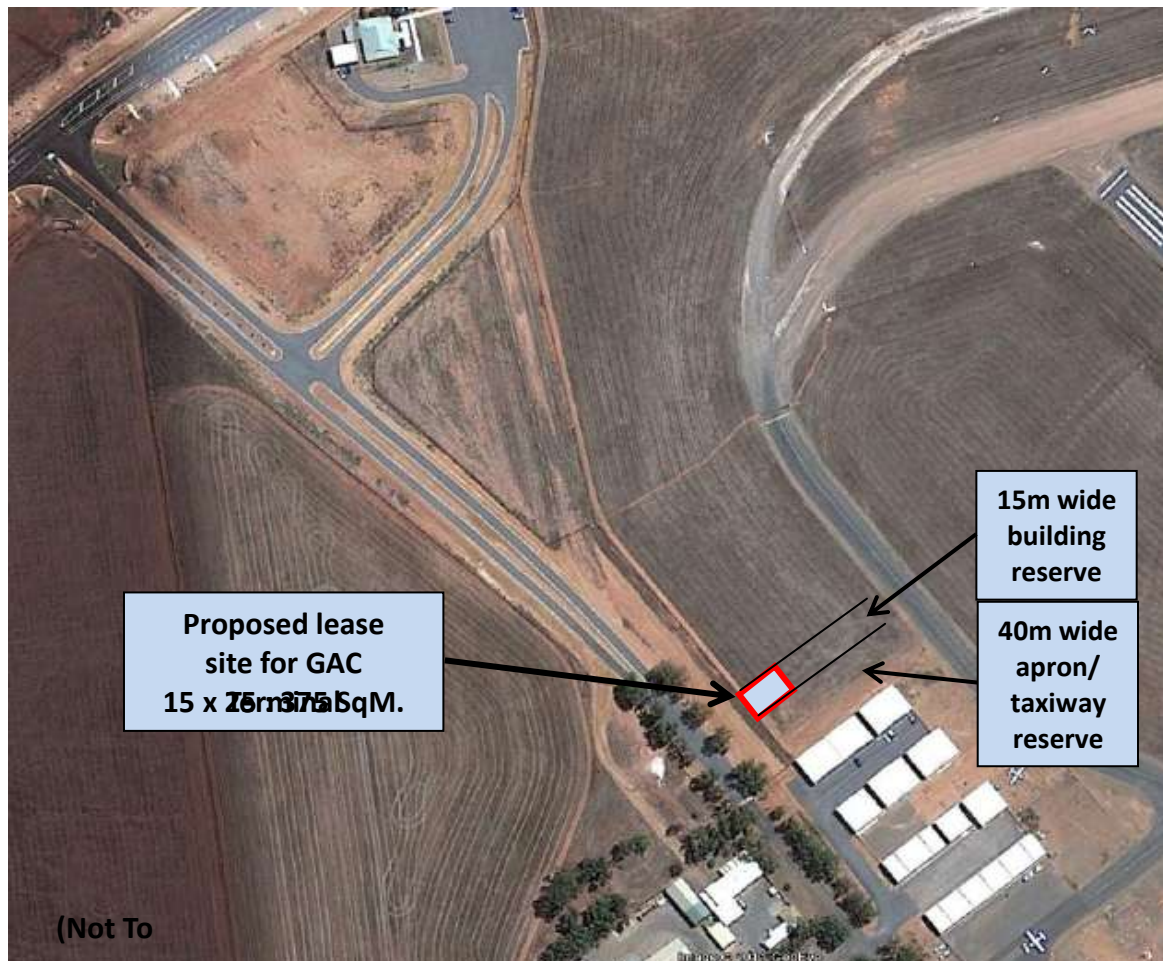


Figure 3: Site location relative to Existing Hangar Row

Request for Council Financial Assistance

In discussions of their proposal, GAC principals requested that Council consider providing additional support including the following:

- No lease fees and rates on the land for at least two years.
- Monetary contribution towards relocation costs.
- Provision of a public parking area separate from building lease area.

There are no precedents for provision of a “honeymoon period” for either all or part of lease rental or rates payments associated with any commercial general aviation lease tenant for terminal space or hangar land at the Airport. To offer

any such concession to GAC would establish a precedent incompatible with acceptable norms for operation of an Airport, whether by a commercial private owner, or a Local Government owner.

The existing GAC lease of 58 square metres of space in Brearley terminal expired on 30 November. The lease contained a no-renewal clause. Changes to usage of primary apron bays adjacent to Brearley terminal are due to Federal requirements for security screening requirements and are not attributable to any City plans or Council determinations. The City is not responsible for any requirement for GAC to relocate to another site. Decisions by GAC to establish their own dedicated GA terminal facility are based on their own aviation and commercial judgements of circumstances.

Accordingly, there is no supportable case for provision of such financial assistance to this commercial business entity. The City will incur significant costs around \$50,000 to establish the building sites, taxiway gradients, vehicle access roads and security fencing, to allow GAC to relocate to an area of their preference. That should demonstrate sufficient support. Ultimately, these are matters for Council consideration and determination.

In relation to vehicle parking, GAC is in a unique position, providing a major proportion of air services to the Abrolhos lobster fishing community, during the season commencing in early March each year. During that period, GAC patrons leave 30-40 vehicles at the airport, while working at the Islands.

Conveniently, the triangular area discernible in Figure 3, south of the access road to the Aero Medical centre, immediately east of Gordon Garrett Drive, already has security fencing and, sited in the OLS approach path for runway 08/26, cannot be built on – so can be made available for parking for Abrolhos FIFO fishermen during the rock lobster season. The slip road shoulders and that area would also be available for patron parking for other future tenants.

Timing Imperatives of the Proponent

While timing imperatives associated with business arrangements of a tenant might not ordinarily be considered by Council in its decision making, the proponent has requested that Council note that arrangements for acquisition and removal of appropriate transportable structures from Perth will incur additional costs, if site matters cannot be determined prior to 17th January 2012. As Council has no ordinary meeting scheduled in January, the proponent seeks favourable consideration by Council of the lease proposal at the December 2011 meeting.

COMMUNITY CONSULTATION:

Should Council grant approval to enter into a lease agreement with Geraldton Air Charter, that intention will be advertised and public submissions will be invited for a period of not less than 14 days pursuant to Section 3.58 of the Local Government Act 1995.

COUNCILLOR CONSULTATION:

There has been no prior consultation with elected members on this specific proposal, but Councillors have been previously briefed on Brearley Terminal and apron use issues associated with OTS determinations.

STATUTORY IMPLICATIONS:

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

Section 3.58:

- (4) *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
- (7) *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:

Lease rental fees are based on the current ground rent market valuation of \$13.50 per square metre *plus GST*.

The application for an area of 375 m² would equate to \$5062.50 plus GST per annum. CPI will be applied annually, lease rentals will be adjusted via tri-annual market valuations, and the lessee will be responsible for paying all rates, taxes and utilities associated with this land.

Site preparation costs estimated at \$50,000 can be met from existing Airport budget allocations by reprogramming of other minor works.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 2:	Opportunities for Prosperity
Outcome 2.1:	A diverse economic and employment base
Strategy 2.1.4:	Establish Greater Geraldton as a service and population base for fly in / fly out (FIFO) operations
Outcome 2.2	Greater Geraldton as a leading regional and Rural destination.
Strategy 2.2.2	Promote tourism and investment opportunities including cultural tourism.
Outcome 2.4	Western Australia's major logistics and industry hub
Strategy 2.4.1	Support the development of Geraldton, Oakajee and Narngulu as Australia's west coast logistics hub for road, rail, sea and air freight.

Regional Outcomes:

This proposal will enable continuation and potential expansion of air charter operations based in Geraldton, contributing to establishment of Geraldton Airport as a transport hub for the Mid West and will stimulate related economic activity in the services and tourism industries

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Regional outcomes above are relevant. There are no other significant implications for the City or regional economy.

Social:

There are no social impacts with the proposal.

Environmental:

There are no environmental impacts with the proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

The City currently leases land at the Geraldton Airport to individuals and companies for aviation related purposes.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

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

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

CONCLUSION:

Support for this proposal will enable the continuation and potential expansion of general aviation air services based at the Geraldton Airport, supporting a local commercial general aviation company. This proposal warrants City support.

EXECUTIVE RECOMMENDATION:

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

1. GIVE local public notice of the intent to lease 375 m² of the land being portion of Lot 363 Geraldton Mount-Magnet Road, Moonyoonooka to Geraldton Air Charter for the purpose of a general aviation terminal;
2. MAKE the determination subject to:
 - a. advertising notice period of not less than 14 days inviting public submissions;
 - b. any works being subject to, and compliant with any necessary town planning and building compliance; and
 - c. the proponent obtaining the relevant statutory approvals within six (6) months from the approval date of the lease;
3. SET the proposed conditions as:
 - a. enter into a 5 year lease agreement to commence 1 January 2012;
 - b. make provision for renewal options, each of 5 years, to bring maximum possible lease period to 20 years;
 - c. set commencing ground lease rental fee of \$13.50 per square metre plus GST per annum;
 - d. require market valuation reviews of ground lease fees to be undertaken every three (3) years during the term of the lease;
 - e. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index; and
 - f. the lessee being responsible for separately paying all applicable rates, taxes and other utilities;
4. DELEGATE authority to the CEO to grant approval for lease issue 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.

CE027	LEASE OF LAND AT GERALDTON AIRPORT TO KELMAC AVIATION
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AGENDA REFERENCE:	D-11-26195
AUTHOR:	B Davis Director Commercial Enterprises
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	5 December 2011
FILE REFERENCE:	PM/6/000
APPLICANT / PROPONENT:	Kelmac Aviation
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Council approval to lease 510 square metres of Airport land at the Airport to Kelmac Aviation for the purpose of siting of hangar and office facilities.

PROponent:

The proponent is Kelmac Aviation.

BACKGROUND:

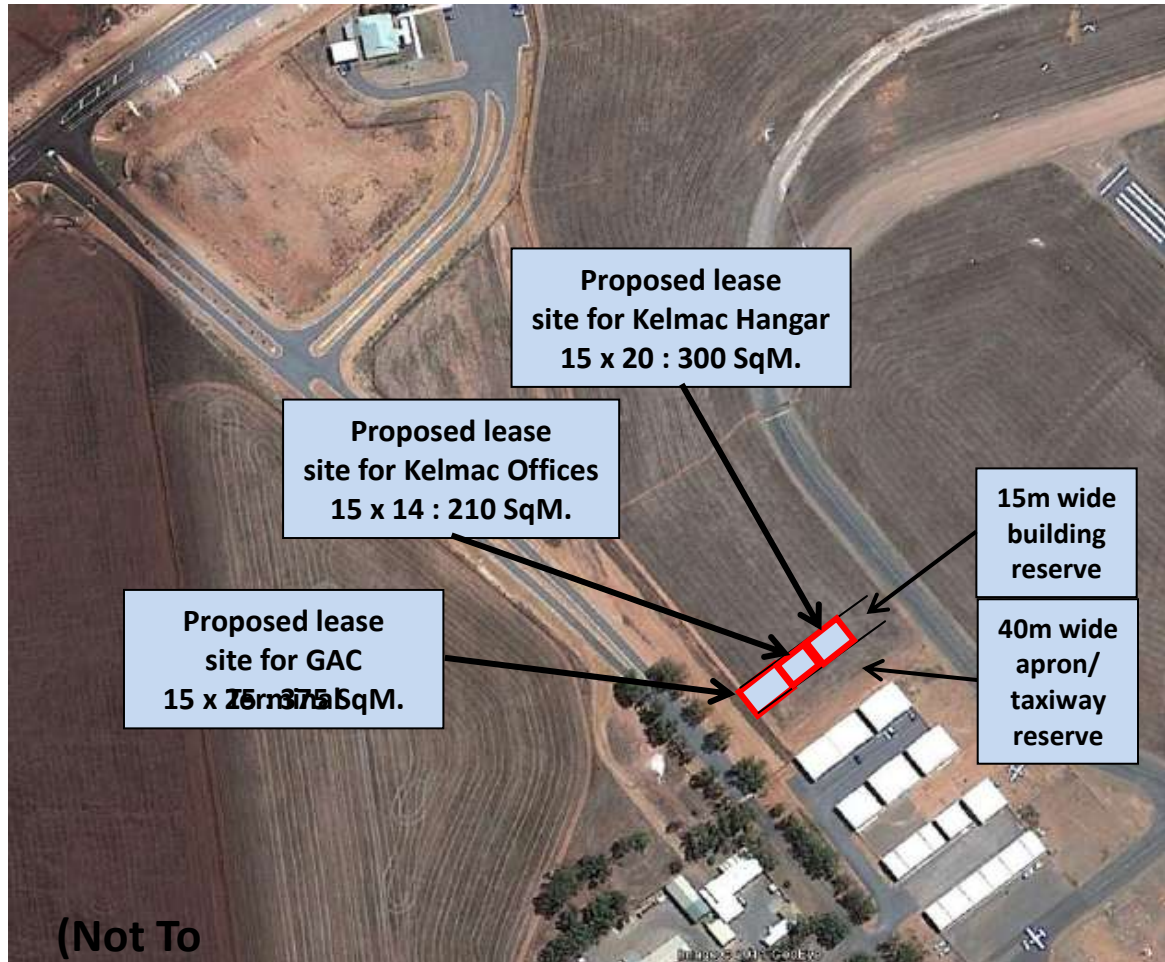
Kelmac Aviation is a commercial General Aviation (GA) business based at the Geraldton Airport, offering pilot training services. They currently lease land at the airport for siting of private hangars. They envisage growth in current services, and potential additional services.

Kelmac Aviation have requested lease of 510 square metres of land in two adjacent leases (15x20=300 m² and 14x15=210 m²) to the north of existing hangars, as shown in the adjacent graphic, to place a hangar, and suitable transportable buildings, including toilets, to establish offices and a briefing room.

The approach of two separate adjacent leases is convenient to the City in terms of managing different purposes (offices on one site, hangar on the other), and different conditions of development relevant to those different purposes. Placement of suitable transportable buildings, designed to meet the requirements of the Technology Park development standards approved by Council, for office and briefing room space, with toilet facilities, would have no detrimental effect on either airport functionality or aesthetics. The approach is similar to that proposed by GAC on the adjacent lot (also under consideration at this Council meeting), and will deliver a positive outcome, with co-location of GA operators sharing an appropriate new apron area.

Office buildings will require noise attenuation in accordance with Australian Standards. Additional hangar space will meet existing airport hangar standards. This proposal is consistent with future development planning per the proposed Airport Master Plan adopted in principle by Council in September 2011.

The proponent has consulted with Geraldton Air Charter on this proposal, and GAC have advised both the proponent and the City that they have no objections to this adjacent development.



COMMUNITY CONSULTATION:

Should Council grant approval to enter into a lease agreement with Kelmac Aviation, that intention will be advertised and public submissions will be invited for a period of not less than 14 days pursuant to Section 3.58 of the Local Government Act 1995.

COUNCILLOR CONSULTATION:

There has been no prior consultation with elected members on this specific proposal.

STATUTORY IMPLICATIONS:

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

Section 3.58:

- (5) *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*
- (8) *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 –*
 - (xiii) *describing the property concerned; and*
 - (xiv) *giving details of the proposed disposition; and*
 - (xv) *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:

Lease rental fees are based on the current ground rent market valuation of \$13.50 per square metre *plus GST*.

For areas totalling 510 m² ground lease rental for year one will be \$6885 plus GST per annum. CPI will be applied annually, lease rentals will be adjusted via tri-annual market valuations, and the lessee will be responsible for paying all rates, taxes and utilities associated with this land.

Costs of site levelling and preparation are anticipated to fit within the development costs identified for this particular building and apron area, in the report to Council on the adjacent proposal for Geraldton Air Charter, able to be met from existing budget allocations.

Unless detailed planning identifies further unexpected costs for additional fill and drainage works, officers do not anticipate need to seek Council authorisation of additional budget allocations. Either way, any such additional costs would be regarded as infrastructure and landowner site costs, as distinct from costs directly attributable to this leasing proposal.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 2:	Opportunities for Prosperity
Outcome 2.1:	A diverse economic and employment base
Strategy 2.1.4:	Establish Greater Geraldton as a service and population base for fly in / fly out (FIFO) operations
Outcome 2.2	Greater Geraldton as a leading regional and Rural destination.
Strategy 2.2.2	Promote tourism and investment opportunities including cultural tourism.
Outcome 2.4	Western Australia's major logistics and industry hub
Strategy 2.4.1	Support the development of Geraldton, Oakajee and Narngulu as Australia's west coast logistics hub for road, rail, sea and air freight.

Regional Outcomes:

This proposal will enable continuation and potential expansion of commercial general aviation operations based in Geraldton, contributing to establishment of Geraldton Airport as a transport hub for the Mid West and will stimulate related economic activity in the services and tourism industries

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Regional outcomes above are relevant. There are no other significant implications for the City or regional economy.

Social:

There are no social impacts with the proposal.

Environmental:

There are no environmental impacts with the proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

The City currently leases land at the Geraldton Airport to individuals and companies for aviation related purposes.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

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

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

CONCLUSION:

Support for this proposal will enable the expansion of commercial general aviation services based at the Geraldton Airport, supporting a local commercial general aviation company. This proposal warrants City support.

EXECUTIVE RECOMMENDATION:

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

1. GIVE local public notice of the intent to lease 300m² and 210 m² of land totalling 510 m² in two separate adjacent leases, being portions of Lot 363 Geraldton Mount-Magnet Road, Moonyoonooka to Kelmac Aviation for the purpose of hangar and offices development;
2. MAKE the determination subject to:
 - a. advertising notice period of not less than 14 days inviting public submissions;
 - b. any works being subject to, and compliant with any necessary town planning and building compliance; and
 - c. the proponent obtaining the relevant statutory approvals within six (6) months from the approval date of the lease;
3. SET the proposed conditions for the two leases as:
 - a. enter into a 5 year lease agreement to commence 1 January 2012;

- b. make provision for renewal options, each of 5 years, to bring maximum possible lease period to 20 years;
 - c. set commencing ground lease rental fee of \$13.50 per square metre plus GST per annum;
 - d. require market valuation reviews of ground lease fees to be undertaken every three (3) years during the term of the lease;
 - e. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index; and
 - f. the lessee being responsible for separately paying all applicable rates, taxes and other utilities;
4. DELEGATE authority to the CEO to grant approval for lease issue 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.

11.7 Reports to be Received

REPORTS TO BE RECEIVED	
AGENDA REFERENCE:	D-11-26436
AUTHOR:	A Brun, Chief Executive Officer
DISCLOSURE OF INTEREST:	No
FILE REFERENCE:	GO/6/0002
DATE OF REPORT:	6 December 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:

Reports of Corporate Services

CS043 Accounts Paid Under CEO Delegation for November 2011
 CS044 Financial Statements to November 2011

Reports of Sustainable Communities

SCDD059 Delegated Determinations – Applications for Planning Approval

Reports of Creative Communities

CC028 Australia Day Meeting Minutes 9 November 2011
 CC029 Australia Day Meeting Minutes 23 November 2011

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:

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

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVENMayor I Carpenter Notice of motion

That Council by Absolute Majority RESOLVES to:

1. DONATE \$10,000 to the Lord Mayor's Distress Relief Fund (LMDRF) for the "Margaret River Fire Appeal"; and
2. EXPRESS its sympathy and concern to the Margaret River community who are dealing with the impact of the bushfires on their lives. The thoughts and prayers of our community are with those affected and the Council also expresses its warmest gratitude and support for the emergency service staff and volunteers who put their life at risk for the betterment of their fellow community.

Executive Comment

The [Then] City of Geraldton-Greenough donated to the Lord Mayor's Distress Relief Fund, donating \$10,000 to the Gascoyne-Midwest Flood Relief as per Council Resolution of 21 December 2010.

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**14 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING****15 CLOSURE**

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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

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

LOCAL GOVERNMENT ACT 1995

CITY OF GERALDTON-GREENOUGH

STANDING ORDERS LOCAL LAW 2007

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

PART 1-PRELIMINARY

1.1 Citation

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

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

1.2 Application

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

1.3 Interpretation

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

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

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

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

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

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

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

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

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

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

1.4 Repeal

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

PART 2-BUSINESS OF THE MEETING

2.1 Business to be specified on notice paper

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

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

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

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

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

2.2 Order of business

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

(a) Declaration of opening;

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

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

(d) Public question time;

(e) Applications for leave of absence;

(f) Petitions, deputations or presentations;

(g) Declarations of conflicts of interest;

(h) Confirmation of minutes of previous meetings;

(i) Announcements by presiding member without discussion;

(j) Reports of committee and officers;

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

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

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

(n) Closure of meeting.

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

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

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

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

2.3 Public question time

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

2.4 Petitions

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

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

2.5 Deputations

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

2.6 Confirmation of minutes

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

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

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

2.7 Announcements by the presiding member without discussion

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

2.8 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO may under his or her own name provide relevant and material facts, circumstances and professional advice pertaining to the notice of motion and may provide recommendations to Council or committee on how it should deal with these matters.
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless -
 - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse unless supported by an absolute majority of Council.

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

- (1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

2.10 Urgent business approved by the presiding member or by decision

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

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

2.11 Matters for which meeting may be closed

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

PART 3-PUBLIC ACCESS TO AGENDA MATERIAL

3.1 Inspection entitlement

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

3.2 Confidentiality of information withheld

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

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

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

Penalty \$5,000

PART 4-DISCLOSURES OF CONFLICTS OF INTERESTS

4.1 Separation of committee recommendations

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

4.2 Member with an interest may ask to be present

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

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

4.3 Member with an interest may ask permission to participate

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

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

4.4 Invitation to return to provide information

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

4.5 Disclosures by employees

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

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

PART 5-QUORUM

5.1 Quorum to be Present

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

5.2 Loss of quorum during a meeting

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

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

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

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

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

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

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

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

PART 6-KEEPING OF MINUTES

6.1 Content of minutes

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

6.2 Preservation of minutes

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

PART 7-CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 Official titles to be used

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

7.2 Members to occupy own seats

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

7.3 Leaving meetings

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

7.4 Adverse reflection

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

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

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

7.5 Recording of proceedings

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

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

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

7.6 Prevention of disturbance

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

Penalty \$1,000

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

Penalty \$1,000

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

PART 8-CONDUCT OF MEMBERS DURING DEBATE

8.1 Members to indicate they wish to speak

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

8.2 Priority

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

8.3 The presiding member to take part in debates

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

8.4 Relevance

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

8.5 Limitation of number of speeches

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

8.6 Limitation of duration of speeches

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

8.7 Members not to speak after conclusion of debate

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

8.8 Members not to interrupt

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

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

8.9 Re-opening discussion on decisions

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

PART 9-PROCEDURES FOR DEBATE OF MOTIONS

9.1 Motions to be stated

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

9.2 Motions to be supported

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

9.3 Unopposed business

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

9.4 Only one substantive motion considered

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

9.5 Breaking down of complex questions

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

9.6 Order of call in debate

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

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

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

9.7 Member may require questions to be read

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

9.8 Consent of member required to accept alteration of wording

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

9.9 Order of amendments

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

9.10 Amendments must not negate original motion

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

9.11 Substantive motion

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

9.12 Withdrawal of motion and amendments

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

9.13 Limitation of withdrawal

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

9.14 Personal explanation

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

9.15 Personal explanation - when heard

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

9.16 Ruling on questions of personal explanation

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

9.17 Right of reply

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

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

9.18 Right of reply provisions

The right of reply is governed by the following provisions:

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

9.19 En bloc motions

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

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

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

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

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

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

10.2 No debate on procedural motions

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

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

10.3 Procedural motions - closing debate - who may move

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

10.4 Procedural motions - right of reply on substantive motion

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

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

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

11.2 Council move to committee – effect of motion

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

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

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

11.4 Question to be adjourned - effect of motion

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

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

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

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

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

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

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

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

(b) in the case of a Council meeting

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

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

11.6 Question to be put - effect of motion

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

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

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

11.7 Member to be no longer heard - effect of motion

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

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

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

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

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

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

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

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

Penalty \$5,000

11.10 Question - when put

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

11.11 Question - method of putting

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

PART 12-MAKING DECISIONS

12.1 Question – when put

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

12.2 Question – method of putting

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

PART 13-IMPLEMENTING DECISIONS

13.1 Implementation of a decision

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

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

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

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

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

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

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

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

PART 14-PRESERVING ORDER

14.1 The presiding member to preserve order

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

14.2 Demand for withdrawal

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

14.3 Points of order - when to raise - procedure

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

14.4 Points of order - when valid

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

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

14.5 Points of order - ruling

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

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

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

14.7 Points of order take precedence

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

14.8 Precedence of presiding member

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

Penalty \$500

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

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

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

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

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

PART 15-ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

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

15.2 Limit to moving adjournment

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

15.3 Unopposed business - motion for adjournment

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

15.4 Withdrawal of motion for adjournment

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

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

15.5 Time to which adjourned

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

PART 16-PRESENTATION OF COMMITTEE OR OFFICER REPORTS

16.1 Reports of committees - questions

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

16.2 Permissible motions on recommendation from committee

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

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

16.3 Standing orders apply to committees

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

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

PART 17-ADMINISTRATIVE MATTERS

17.1 Suspension of standing orders

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

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

17.2 Cases not provided for in standing orders

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

PART 18-COMMON SEAL

18.1 The Council's common seal

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

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

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

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

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

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

Penalty \$1,000

Dated: 27 November 2007

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

IAN CARPENTER, Mayor

GARY BRENNAN, Chief Executive Officer