



ORDINARY MEETING OF COUNCIL
AGENDA

22 MAY 2012

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 22 MAY 2012 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:

Cr G Bylund

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**5 PUBLIC QUESTION TIME**

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

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

May	From	To (inclusive)
Cr G Bylund	25 April 2012	31 July 2012

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 24 April 2012 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	REPRESENTATIVE
24th April 2012	Ordinary Meeting of Council	All Councillors
25th April 2012	ANZAC Day Service	Mayor Ian Carpenter
27th April 2012	ANZAC Commemorative Ceremony - John Willcock College	Mayor Ian Carpenter
27th April 2012	Special Series Number Plate Fundraising Auction - Mayoral Function	Mayor Ian Carpenter
1st May 2012	City Facility and Asset Induction Tour - 1. Inner City	All Councillors
1st May 2012	Concept Forum	All Councillors
2nd-4th May 2012	Kimberley Economic Conference in Broome	Mayor Ian Carpenter
8th May 2012	Official Opening of the Western Australian Space Centre	Mayor Ian Carpenter
10th May 2012	Meeting with Geraldton Toy Library to discuss it's future	Mayor Ian Carpenter
11th May 2012	Local Government Reform Implementation Committee meeting	Mayor Ian Carpenter
12th May 2012	Practical Geraldton Airport Emergency Exercise	Mayor Ian Carpenter
14th May 2012	Morning Tea ATNF Steering Committee	Mayor Ian Carpenter
14th May 2012	Visit from Zhejiang Department of Foreign Affairs working group	All Councillors
15th May 2012	LEMC MEETING	Mayor Ian Carpenter
15th May 2012	Agenda Forum	All Councillors
16th May 2012	Greater Geraldton Economic Alliance Workshop with Dr Gary Saliba	Mayor Ian Carpenter
17th May 2012	National Volunteer Week Celebration	Mayor Ian Carpenter
18th May 2012	Announcement : Energy Supply to the Mid West - Hon Peter Collier and Acting CEO Paul Italiano	Mayor Ian Carpenter & CEO Tony Brun
18th May 2012	WA Museum Geraldton Site Master plan presentation and introduction to new Chair of WA Museum Board of Trustees Professor Alan Robson	Mayor Ian Carpenter & CEO Tony Brun
18th May 2012	Launch of Anzang Nature Photography	Mayor Ian Carpenter
21st May 2012	Heritage Advisory Committee Meeting	Mayor Ian Carpenter
21st May 2012	HMAS Sydney II Memorial Advisory Committee Meeting	Mayor Ian Carpenter
22nd May 2012	Ordinary Meeting of Council	All Councillors

11 SIGNIFICANT STRATEGIC MATTERS

CS066	NEW DIFFERENTIAL GENERAL RATE – UNDEVELOPED CITY CENTRE PROPERTY
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AGENDA REFERENCE:	D-12-20686
AUTHOR:	C Wood, Director Corporate Services
EXECUTIVE:	C Wood, Director Corporate Services
DATE OF REPORT:	4 May 2012
FILE REFERENCE:	FM/11/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The purpose of this item is to seek Council's approval for the introduction of a new differential general rate for undeveloped City Centre properties.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

There has been ongoing concern regarding the state of some of the properties in the CBD. There are a number of buildings in the CBD which are not tenanted and have been left to the elements to become derelict and targets for vandalism. The outcome of this negligence is that they present a poor image for the City and become a public safety hazard.

In order to encourage the owners of such properties to apply effort to the care and maintenance of these properties, it is proposed to introduce a new differential general rate which will apply to buildings which meet certain criteria.

Section 6.33 of the Local Government Act allows councils to levy a differential general rate on properties according to any, or a combination, of the following characteristics -

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
- (b) a purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

The Local Government (Financial Management) Regulations further allow the following characteristics as stated in (d) above -

- (a) whether or not the land is situated in a town site as defined in the *Land Administration Act 1997* section 3(1);

- (b) whether or not the land is situated in a particular part of the district of the local government.

The characteristics of the new differential general rate titled – “Undeveloped City Centre Property” – will be:

An Undeveloped City Centre Property rate applies to each property that is located in the City Centre zone and –

- 1. that is vacant; or*
- 2. that is unfit for occupancy; or*
- 3. that is unfit for use for its intended purpose because of the deterioration of the condition of one or more buildings on the land; or*
- 4. where more than 25% of its leasable floor area is not leased or occupied; or*
- 5. where buildings on the land occupy less than 20% of the site area except where a current valid planning approval or building licence exists for the development of the land to occupy 20% or more of the site area and works have been substantially commenced under that approval or licence.*

Any funds derived from this differential rate would be applied to the improvement of public safety in these essentially “inactive” areas of the City Centre. Council would determine the level of rating to be applied through the budget process.

COMMUNITY CONSULTATION:

There has been no community consultation undertaken on this matter.

COUNCILLOR CONSULTATION:

This matter was initially raised by Councillor Van Styn in a concept forum and briefing notes have been provided to councillors on the options available to implement such a rate.

STATUTORY IMPLICATIONS:

Section 6.33 of the Local Government Act allows councils to impose differential general rates as described in the commentary above.

POLICY IMPLICATIONS:

There are no policy implications with this matter.

FINANCIAL AND BUDGET IMPLICATIONS:

The level of funding from this rate will be in addition to the existing rates that are applied to the City and will be determined once budget deliberations are completed. Until properties are identified as addressing the criteria of the rate an estimation of the amount of extra income is not possible.

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

Goal 5	Leading the Opportunities
Outcome 5.1	Leadership and good governance
Strategy 5.1.1	Provide visible leadership and advocacy for the greater good of the community

Regional Outcomes:

There are no regional outcomes associated with this matter.

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

The funding received from this differential rate will assist in providing public safety initiatives in the City Centre.

Social:

There are no social issues associated with this matter.

Environmental:

There are no environmental issues associated with this matter.

Cultural & Heritage:

The introduction of this differential rate may encourage owners of heritage properties to improve maintenance of these buildings.

RELEVANT PRECEDENTS:

There have been no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority available for this matter. Council has the sole authority to introduce a new rate.

VOTING REQUIREMENTS:

Absolute majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. NOT INTRODUCE an Undeveloped City Centre Zone Property Differential General Rate in 2012/13.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER the introduction of an Undeveloped City Centre Zone Property Differential General Rate in 2012/13.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The introduction of an undeveloped City Centre Zone Property Differential General Rate is to encourage owners of properties in the City Centre which have become derelict to take an interest in their properties and to apply appropriate care and attention to the maintenance and future use of these facilities.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 6.32 of the Local Government Act RESOLVES to:

1. INTRODUCE a new differential general rate titled "Undeveloped City Centre Zone Property Differential Rate" with effect from 1 July 2012;
2. CONFIRM the characteristics for property under this differential rate as follows:
 - a. An Undeveloped City Centre Property rate applies to each property that is located in the City Centre zone and:
 - i. that is vacant; or
 - ii. that is unfit for occupancy; or
 - iii. that is unfit for use for its intended purpose because of the deterioration of the condition of one or more buildings on the land; or
 - iv. where more than 25% of its leasable floor area is not leased or occupied; or
 - v. where buildings on the land occupy less than 20% of the site area except where a current valid planning approval or building licence exists for the development of the land to occupy 20% or more of the site area and works have been substantially commenced under that approval or licence.

CE040	KALBARRI AIRPORT JOINT VENTURE AGREEMENT REVIEW
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AGENDA REFERENCE:	D-12-18899
AUTHOR:	B Urquhart, Geraldton Airport Manager
EXECUTIVE:	Bo Davis, Director Commercial Enterprises
DATE OF REPORT:	30 April 2012
FILE REFERENCE:	TT/3/0007
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

This agenda item is further to a Briefing Note dated 8 March 2012 to Council (File Reference TT/3/0007) regarding the future participation of the City of Greater Geraldton in the Kalbarri Airport and the Joint Venture Agreement with the Shire of Northampton.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton and Shire of Northampton are joint 50/50 owners of the Kalbarri Airport, under a Joint Venture Agreement.

The Agreement establishes “an arrangement to provide criteria for the continued management of the land and the property”. The Agreement is silent on the matter of management of the operations of Kalbarri Airport as an airport per se.

There are two land portions – Victoria Locations 12569 and 12570. The former was originally vested on 13 October 1999 in favour of the Shire of Northampton and the Shire of Greenough. Victoria location 12570 (DP221292) is in freehold title 50/50 ownership by the two Councils, while Victoria Location 12569 is Crown Land under a Management Order with the two Councils.

Victoria location 12570 (freehold) is essentially the area required for runways and it sits *within* the surrounding reserve 12569.

Building of Kalbarri Airport was predominantly funded by the State Government through the Regional Airports Development Scheme (RADS) funding. Between 1998 through to 2002 construction costs for the Kalbarri Airport totalled \$1,654,891.34. The Shire of Greenough’s contribution was \$250,000.

The airport has a single runway, with basic aviation facilities. It is currently serviced by Skippers Aviation with 3 scheduled RPT services per week, and is utilised by charter operators and private aircraft.

Revenues from the airport are very modest. Landing fees are \$15 and passenger service fees on RPT flights are \$15.50 per passenger. Private

aircraft can be parked permanently at the airport for a fee of \$264.00 per annum, payable in lieu of any landing fees.

The Kalbarri Airport is registered with the Civil Aviation Safety Authority (CASA) as a Certified Aerodrome and the Registered Operator is the Shire of Northampton which places all operational compliance responsibility and liability for non-compliance penalties with the Kalbarri Aerodrome Manager and the Chief Executive Officer of the Shire of Northampton, Mr Garry Keeffe.

It should be noted that because the Chief Executive Officer of the City of Greater Geraldton is a co-signatory of the Kalbarri Airport Operations Manual, as a matter of protocol, in addition to conducting an exit interview with the Shire of Northampton Chief Executive Officer after each statutory compliance inspection, CASA inspectors also conduct an exit interview with the City Chief Executive Officer (or the responsible Director) and the Geraldton Airport Manager, and provide a copy of formal inspection reports to the City.

As joint owners of the Kalbarri Airport, notwithstanding Section 2 of the Joint Venture agreement which sets out the financial relationship – in effect, sharing 50/50 in operating expenses and revenues, the City of Greater Geraldton may be exposed to risks of civil litigation in the event of an aviation incident. The Indemnity provided under clause 5 of the JV Agreement is confined in its effect to breach of provisions of the agreement – and the agreement is silent on airport operations per se.

Past involvement, since commencement of the Greenough/Northampton Councils relationship, appears to have had its genesis in Coral Coast tourism development initiatives in the late 1990's. The Shire of Greenough, as then owner of the Geraldton Airport, the regional air services hub, assisted Northampton gaining State Government support for development of an airport at Kalbarri. The Shire of Greenough contributed \$250,000 to establish the jointly owned airport, with RADS funding then covering capital costs.

In Favour of Remaining in the Joint Venture

- Continued support, at relatively modest cost comprising 50% of the annual net operating deficit of the airport, of Kalbarri Airport as part of Coral Coast tourism infrastructure.

Mitigating Against Remaining in the Joint Venture

- Risk exposures in the event of an aviation incident, with potential for consequent civil litigation where airport shortcomings are alleged as contributing towards the cause of the incident.

Future Improvements Should the City Remain Involved

- Insist/Ensure Joint Venture Committee meetings are held every 3 months.
- Require the Airport Operations Manual to be endorsed by absolute majority of the Committee – this may require an amendment to the JV Agreement document.

- Require CASA inspection reports and consequent corrective action reports to be reported to the Committee.

COMMUNITY CONSULTATION:

There has been no community consultation on this item.

COUNCILLOR CONSULTATION:

Confidential Briefing Note dated 8 March 2012 provided to Councillors.

A Joint Venture Committee meeting including representation from the Shire of Northampton was held on Friday 27 April 2012. A copy of the minutes from the meeting is attached to this agenda item.

STATUTORY IMPLICATIONS:

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

Section 46(2) of the Land Administration Act addresses the variation of management orders on Crown Reserves.

Section 3.58 of the Local Government Act 1995 addresses property disposal matters.

Regulation 30(2)(c)(iii) of the Local Government Functions and General Regulations 1996 addresses dispositions of property to which section 3.58 of the Act does not apply.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The write off value at 30 June 2012 is \$855,467 after depreciation. Financial history since amalgamation City of Geraldton-Greenough and City of Greater Geraldton -

Financial Year	Actual Income	Actual Expenditure	Capital Expenditure	Net Deficit
2007/08	13,337	19,786	860	7,309
2008/09	13,117	17,895	0	4,778
2009/10	62,503	12,469	104,904 r/way seal	54,870
2010/11	4,158	7,883	0	3,725
Total	93,115	58,033	105,764	70,682

Withdrawal from the Joint Venture will relieve the City from obligations to make annual financial contributions for net costs of operation of Kalbarri Airport, and capital contributions for airport asset renewal or upgrade.

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.

Regional Outcomes:

There are no regional outcomes directly associated with this proposal. The Kalbarri airport is effectively managed and operated by Shire of Northampton independently from the City, and will continue to be managed and operated by Shire of Northampton.

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

There are no economic impacts from this proposal.

Social:

There are no social impacts with this proposal.

Environmental:

There are no environmental impacts relating to this proposal.

Cultural & Heritage:

There are no Cultural & Heritage impacts relating to this proposal.

RELEVANT PRECEDENTS:

There are no relevant precedents relating to this proposal.

DELEGATED AUTHORITY:

There is no delegated authority relating to this matter.

VOTING REQUIREMENTS:

Absolute majority is required as it relates to budget and financial matters.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. CONTINUE as 50% owner of the Kalbarri Airport;
2. REQUEST the following amendments to the Kalbarri Airport Joint Venture Agreement between the City of Greater Geraldton and Shire of Northampton;
3. AMEND any reference to the City of Geraldton Greenough to City of Greater Geraldton;
4. INCLUDE the requirement that the Kalbarri Airport Joint Venture Committee meetings be held every four months;
5. INCLUDE the requirement that the Airport Operations Manual is to be endorsed by absolute majority of the Kalbarri Airport Joint Venture Committee; and
6. INCLUDE the requirement that the Civil Aviation Safety Authority inspection reports and consequent corrective action reports be presented to the Kalbarri Airport Joint Venture Committee.

Option 3:

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

1. DEFER consideration of this matter for the following reasons:
 - a. To be determined by Council.

CONCLUSION:

Continued participation in the Joint Venture for ownership and operation of Kalbarri Airport with the Shire of Northampton delivers no direct benefit to the City, requires ongoing financial contributions, and potentially exposes the City to risks of litigation in the event of any aviation incident occurring at that airport. The involvement of the City through its predecessor Councils generously supported the development of the Kalbarri Airport and assisted the Shire of Northampton through its initial years of development and operation. There are no compelling reasons to remain associated with either ownership or operation of the Kalbarri Airport, and there are potential risk exposures associated with continuing to do so.

The City plays no active role in development, maintenance or upkeep of the airport, and has no role in aviation operations through the airport. It therefore is unable to exercise any control or influence over the management of risk exposures that could potentially attract litigation against the City.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 3.58 of the Local Government Act 1995 and Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. SURRENDER 50% ownership of the Kalbarri Airport to the Shire of Northampton;
2. WITHDRAW from any and all aspects of responsibility for development or operation of the Kalbarri Airport;
3. DISSOLVE the Kalbarri Airport Joint Venture with Shire of Northampton;
4. WRITE off the net asset value of \$855,467 from the City's accounts;
5. ADVISE the Shire of Northampton that surrender of 50% ownership of the Kalbarri Airport is subject to all associated transfer and statutory fees are paid by the Shire of Northampton; and
6. AUTHORISE the Chief Executive Officer to initiate and conclude all necessary statutory and administrative processes necessary to give effect to complete withdrawal of the City from operation of the Kalbarri Airport and transfer ownership and all responsibilities for the airport to the Shire of Northampton.

12 AUDIT AND RISK MANAGEMENT
Nil.

13 STRATEGIC AND POLICY MATTERS

CI014	REMOVAL OF TAMARISK TREES IN EASTBOURNE ROAD, SUNSET BEACH
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AGENDA REFERENCE:	D-12-19906
AUTHOR:	K Trotter, Principal Parks Manager
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	7 May 2012
FILE REFERENCE:	EM/9/0020
APPLICANT / PROPONENT:	Kelly Parker
ATTACHMENTS:	Yes

SUMMARY:

At the Ordinary Meeting of Council held on the 28 February 2012, Council Item CS054, a petition was received opposing the proposed removal of approximately twenty-six (26) Tamarisk trees in Eastbourne Road, Sunset Beach. This report has been prepared responding to the Council Decision requesting the Chief Executive Officer to provide Council with a report on the proposed removal of the Tamarisk trees within ninety (90) days.

PROponent:

The proponents are Mr Kelly Parker of 19 Eastbourne Road and other residents of Sunset Beach.

BACKGROUND:

The City received a \$100,000 grant from the Northern Agricultural Catchment Council (NACC) for the removal of "Weeds of National Significance" which targeted Tamarisk trees and Lantana plants. At approximately the same time a request was received from a resident in Eastbourne Road for the road to be repaired, as roots from the Tamarisk trees are damaging the road surface.

The removal of the trees was included in the grant program so that a more permanent solution could be achieved with the road.

A letter drop was undertaken to inform residents prior to the programmed work which resulted in initial opposition from one resident with a follow up petition.

The program only provided a narrow window of opportunity for completion of the program and as a result of receiving the petition it was decided at the time to defer the removal of the Tamarisk trees.

The main reasons for residents seeking to retain the trees, is that they protect houses from strong winds during storms, provide valuable wildlife habitat particularly for birds, reduce fire risk should public open space catch fire and the removal would leave the area open and exposed.

The issue of damage to the road infrastructure with the retention of the trees will still remain and require on-going maintenance. Approximately fifteen (15) years ago a concrete root barrier was installed following damage to the road

however this has now become ineffective. Should the trees remain, then a deep trench will need to be dug to sever the tree roots. This treatment may need to be repeated as often as every five (5) years.

COMMUNITY CONSULTATION:

A letter drop was undertaken to every household in Eastbourne Road advising of the intent to remove the trees.

COUNCILLOR CONSULTATION:

No Councillor consultation was undertaken.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

Currently there is no policy dealing with this matter. A draft policy has been prepared and is attached for Council consideration. The objective of the policy is to establish a broad framework providing a clear direction and agreed levels of service for the management of declared weeds of national significance for present and future stakeholders.

FINANCIAL AND BUDGET IMPLICATIONS:

Initial cost estimates to remove the trees is \$15,000 which was proposed to be funded under the NACC grant which is no longer available.

There is no allowance for this expenditure in the current budget.

Planting of suitable species of replacement trees is in the order of \$5,000.

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

Goal 4:	Opportunities for sustainability.
Outcome 4.3:	Environmental sustainability.
Strategy 4.3.3:	Protect biodiversity and provide landscape management through effective conservation and rehabilitation.

Regional Outcomes:

There are no regional outcomes.

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

Tree roots are damaging the road surface. While the trees remain, repairs will only be of a temporary nature resulting in ongoing road repair costs.

Social:

There are no social issues.

Environmental:

Tamarisk trees are recognised as a weed of national significance. The City does not currently have a policy framework in place for dealing with weeds of national significance.

Cultural & Heritage:

There are no relevant Cultural and Heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per the Executive Recommendation.

Option 2:

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

1. PRUNE the trees to remove lower branches and clean up existing debris under the trees; and
2. MAKES the determination based on the following reasons:
 - a. To be determined by Council.

Option 3:

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

1. TAKE no action; and
2. MAKES the determination based on the following reasons:
 - a. To be determined by Council.

CONCLUSION:

The stand of Tamarisk trees in Eastbourne Road is causing ongoing damage to the road infrastructure.

Removal of the trees will leave the area bare and exposed, it is therefore desirable that a replacement tree planting program be undertaken should the trees be removed.

In response to this petition a policy has been developed and presented as an attachment for Council consideration.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the draft attached policy as a Council policy relating to the treatment and/or removal of flora classified as Weeds of National Significance;
2. NOTE the opportunity to remove 26 Tamarisk trees located in Eastbourne Road, Sunset Beach has passed as the grant funding is no longer available;
3. NOTE that when funding becomes available that in accordance with the new Policy the 26 Tamarisk trees will be removed; and
4. ADVISE petitioners of Council's decision.

CS065 APPROVAL OF COUNCIL POLICY

AGENDA REFERENCE:	D-12-20137
AUTHOR:	C Wood, Director of Corporate Services
EXECUTIVE:	C Wood, Director of Corporate Services
DATE OF REPORT:	08 May 2012
FILE REFERENCE:	GO/14/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The purpose of this report is to seek approval from Council for the introduction of the following policy:

1. CP037 Affixation of the Common Seal Policy

PROPONENT:

The Proponent is the City of Greater Geraldton.

BACKGROUND:

A new policy has been developed to provide direction for the organisation and comply with good governance principles. This policy is attached.

CP037 Affixation of the Common Seal Policy

The purpose of this policy is to establish the circumstances under which the official Council Common Seal may be affixed to documents.

COMMUNITY CONSULTATION:

There has been no community consultation on this matter.

COUNCILLOR CONSULTATION:

There has been no councillor consultation.

STATUTORY IMPLICATIONS:

The Local Government Act requires that councils establish good governance principles through the introduction of policies and guidelines.

POLICY IMPLICATIONS:

These policies build on the current council and operational policies in place.

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: Leadership and Good Governance.

Strategy 5.1.3: Implement business, governance, legislative and compliance frameworks.

Regional Outcomes:

There are no regional outcomes from the consideration of this matter.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts associated with this matter.

Social:

There are no social impacts associated with this matter.

Environmental:

There are no environmental impacts associated with this matter.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are no relevant precedents associated with this matter.

DELEGATED AUTHORITY:

There 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 and in accordance with Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. NOT APPROVE the introduction of CP037 Affixation of the Common Seal Policy.
 - a. To be determined by council.

Option 3:

That Council by Simple Majority and in accordance with Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. DEFERS endorsement of CP037 Affixation of the Common Seal Policy:
 - a. To be determined by council.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority and in accordance with Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the introduction of CP037 Affixation of the Common Seal Policy.

14 OPERATIONAL MATTERS

CI015	PROPOSED FORESHORE PUBLIC TOILETS
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AGENDA REFERENCE:	D-12-19905
AUTHOR:	G Burton, Project Coordinator, Community Infrastructure
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	2 May 2012
FILE REFERENCE:	PM/4/0032
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - CONFIDENTIAL

SUMMARY:

This Report is to provide Council with a summary on the current status of the proposed foreshore toilet block.

The primary purpose of the project is to provide public toilets at the Northern (Forrest Street) end of the Foreshore in accordance with the Council Decision of the 28 February 2012, Item 12.4 (Page 191 of the Council Minutes).

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

At the Council meeting held on 28 February 2012, Cr Van Styn moved the following Notice of Motion:

MOVED CR VAN STYN, SECONDED CR ASHPLANT

Part A

That Council by 1/3 Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s.5.25 of the Local Government Act 1995 CONSIDER to REVOKE the following Council meeting resolution of 25 August 2009:

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

1. *APPROVE a lease for the Champion Bay Surf Life Saving Club for an area comprising 700m² situated at the Geraldton Foreshore on Portion of Reserve 25300 situated north of the Durlacher Street roundabout, referred as Option 2, as shown on plan drawing;*
2. *APPROVE the concept for the initial phase of the Champion Bay Surf Life Saving Club facility of approximately 340m² subject to the design, materials and colours to be in accordance with the schedules developed by Hames Sharley to ensure high quality and consistency within the Foreshore project is achieved;*
3. *PROGRESS discussions in regard to the balance area, noting that public amenities will need to be accommodated and should the Champion Bay Surf Life Saving Club wish to progress with further development, Council will require the surf club to prepare a business plan which outlines:*
 - a. *the need for additional facilities;*

- b. *the financial capacity to both construct and maintain facilities;*
- c. *any extension area should be aimed to accommodate multi-user activities;*
4. *APPROVE the term of the lease for a period of 21 years with an option to renew of a further 21 years; and*
5. *APPROVE the lease fee rental as \$295 per annum in accordance with the City's schedule of fees and charges.*

CARRIED 12/2 BY 1/3 MAJORITY

COUNCIL DECISION

MOVED CR VAN STYN, SECONDED CR ASHPLANT

Part B

That Council by Absolute Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s.5.25 of the Local Government Act 1995 RESOLVES to REVOKE the following Council meeting resolution of 25 August 2009:

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

1. *APPROVE a lease for the Champion Bay Surf Life Saving Club for an area comprising 700m² situated at the Geraldton Foreshore on Portion of Reserve 25300 situated north of the Durlacher Street roundabout, referred as Option 2, as shown on plan drawing;*
2. *APPROVE the concept for the initial phase of the Champion Bay Surf Life Saving Club facility of approximately 340m² subject to the design, materials and colours to be in accordance with the schedules developed by Hames Sharley to ensure high quality and consistency within the Foreshore project is achieved;*
3. *PROGRESS discussions in regard to the balance area, noting that public amenities will need to be accommodated and should the Champion Bay Surf Life Saving Club wish to progress with further development, Council will require the surf club to prepare a business plan which outlines:*
 - a. *the need for additional facilities;*
 - b. *the financial capacity to both construct and maintain facilities; and*
 - c. *any extension area should be aimed to accommodate multi-user activities.*
4. *APPROVE the term of the lease for a period of 21 years with an option to renew of a further 21 years; and*
5. *APPROVE the lease fee rental as \$295 per annum in accordance with the City's schedule of fees and charges*

CARRIED BY ABSOLUTE MAJORITY 12/2

COUNCIL DECISION

MOVED CR VAN STYN, SECONDED CR ASHPLANT

Part C

That Council by Simple Majority RESOLVES to:

1. *DETERMINE to not allow any building on the Geraldton Foreshore on the lot previously set aside for a surf club and/or toilet block.*
2. *AGREE to build the northern toilet building at the very northern end of the foreshore.*
3. *INVESTIGATE the possibility of the Champion Bay Surf Lifesaving Club utilising alternate sites.*

4. *APPROVE Champion Bay Surf Lifesaving Club to maintain its current structure or one similar should they wish to, at the current location until the resolution of the alternate site identified in point 3.*
5. *MAKES the determination on the following grounds:*
 - a. *The City is providing artwork and landscaping to increase the amenity of the foreshore and a toilet block located by itself in the centre of a grassy area detracts from these works.*
 - b. *The standalone location of the toilet block on the proposed "surf club" site is not practically located with reference to parking or proximity to users of the most northern beach section of the foreshore.*
 - c. *There is no guarantee the surf club will ever be in a position to fund a surf club building to adjoin the toilet block.*
 - d. *No further substantial buildings should be built on the foreshore, therefore retaining the maximum amount of open space.*
 - e. *The building of the toilets to service the northern end of the foreshore has been held up for a significant period of time as a result of the proposed surf club. This delay has resulted in community unrest about the lack of toilets. This motion seeks to resolve this issue in an aesthetic, practical and timely manner.*

CARRIED 11/3

The Geraldton Foreshore is recognized as a significant local and regional development, attracting tourists and is well-frequented by local residents.

With the expansion of the City and economic activities in the Mid-West region, improvement of Foreshore public facilities to meet the demand has been recognized by the City.

The objective of the project is the enhancement of this precinct by constructing additional ablution facilities at the Northern End of the Foreshore, bringing much needed public facilities to the area and improving public accessibility.

COMMUNITY CONSULTATION:

The community was invited to provide any comments on the proposed design of the new Foreshore Ablutions (North End). All properties on the North side of Forrest Street. Closing date for submissions was 4pm on Thursday 26 April 2012. A total of 8 responses were received by the closing date and time for submissions. A meeting with three of the respondents was held on 3 May 2012 following a request by the respondents.

It is understood the Public Arts Advisory Committee considered the concept design at a recent meeting and based on advice from a member of the Committee the final concept design was endorsed by the Committee. Minutes of the meeting were not available at the time of preparing this report.

Submissions:

Listed below is a summation of the submissions received;

Property values of residences.

Respondents believed the construction of a public toilet at the proposed location would devalue the residential properties in Forrest Street.

Proposed site location

The reasoning behind selection of the proposed location on the Northern end of the Foreshore near Forrest Street was raised and whether alternative sites had been investigated e.g. Webby Hayes Park, grassed areas on the foreshore between the Dome and Forrest Street?

Lighting

Lighting in Forrest Street is low wattage and the section of Foreshore Drive between Durlacher Street and Forrest Street is also poorly lit raising the issue of security at the proposed location.

CCTV

The lack of CCTV in Forrest Street in the vicinity of the proposed toilet block would make effective policing of the area around the proposed location difficult.

Sewer connections

Connection of sewerage would require the excavation of Forrest Street, and would disrupt traffic / access to buildings.

Vandalism / graffiti

Concern was raised with regard to the toilets being targeted by graffiti artists.

A 'Schedule of Submissions' is included as Attachment No. CI015 and copies of the actual submission are available to Council upon request.

COUNCILLOR CONSULTATION:

Councillors were provided with a briefing note including concept plans prior to undertaking Community Consultation.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The budget available amount is \$350,000.

Funding contributions will be \$100K from the Foreshore Development Account and \$250K from the Country Local Government Fund (2011/2012 budget).

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

Key Result Area 4: Opportunities for sustainability.

Outcome 4.4: Infrastructure that meets community growth needs and aspirations.

Strategy 4.4.2: Facilitate and advocate for the development of essential utility infrastructure, such as power, water, sewerage, gas and communications to meet growth needs.

Strategy 4.4.4: Deliver projects utilising best practice contemporary systems targeting time, cost and quality outcomes.

Regional Outcomes:

Enhancement of this precinct by installing additional ablution blocks on the North End of the Foreshore, which would bring much needed amenity and facilities to the area.

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

The local business community will benefit financially from the sourcing of resources and materials for the project from the Midwest region.

Social:

The proposed Infrastructure meets community growth needs on the Northern end of the Foreshore beach.

Environmental:

The proposed Infrastructure provides infrastructure compatible with the development of the Foreshore.

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 set out in this report.

Option 2:

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

1. REJECT the concept plans
2. SEEK alternative designs at the same location; and
3. MAKES its determination based on the following.
 - a. To be determined by council.

Option 3:**Part A**

That Council by 1/3 Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s.5.25 of the Local Government Act 1995 CONSIDER to REVOKE Part C 2. of the Notice of Motion, *No. 12.4 Foreshore Toilet Facilities*, from the meeting of the 28 February 2012:

PART C

2. *AGREE to build the Northern toilet building at the very northern end of the foreshore.*

Part B

That Council by Absolute Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s.5.25 of the Local Government Act 1995 RESOLVES to REVOKE Part C 2. of the Notice of Motion, *No. 12.4 Foreshore Toilet Facilities*, from the meeting of the 28 February 2012:

PART C

2. *AGREE to build the Northern toilet building at the very northern end of the foreshore.*

PART C

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

1. LOCATE the facility at (site to be determined by Council);
2. GIVE public notice to that effect;
3. MAKES the determination on the following grounds:
 - a. To be determined by Council.

CONCLUSION:

Responses received from the community consultation raised concerns and objections relating to inappropriate location to address the needs for additional public toilets, devaluation of properties in Forrest Street, lack of

lighting, security and visual amenity. The design addresses a number of these concerns as set out following:

- a. Lighting will be provided at the location as part of the project and additional lighting as required can be provided in Forrest Street, and the section of Foreshore Drive between Durlacher Street and Forrest Street, subject to the availability of funding.
- b. Infrastructure to facilitate the installation of CCTV in the vicinity of the proposed toilet block will be made available as part of the project.
- c. It is proposed to connect to the sewer by directional boring under Forrest Street reducing the need for open excavation and disruption to traffic and access.
- d. The design provides for a structure that is compatible with the development objectives for the Foreshore and will utilise materials in the construction to minimize the effect of graffiti.
- e. The issue of devaluation of properties has not been substantiated by the respondents.
- f. The proposed location reduces the visual impact on nearby residential properties from street level by existing infrastructure.

EXECUTIVE RECOMMENDATION:

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

1. REAFFIRM its decision of the 28 February to build the northern toilet building at the very northern end of the foreshore; and
2. PROCEED immediately to construct the public toilets in accordance with the final concept design and location prepared by Eastman Poletti Sherwood Architects (EPS).

CE041	REQUEST BY GREAT NORTHERN FOOTBALL LEAGUE TO WAIVE AIRPORT FEES FOR FOOTBALL INITIATIVE
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AGENDA REFERENCE:	D-12-19129
AUTHOR:	B Urquhart, Manager Geraldton Airport
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	01 May 2012
FILE REFERENCE:	TT/3/0001 and TT/3/0009
APPLICANT / PROPONENT:	Great Northern Football League (Inc)
ATTACHMENTS:	Yes

SUMMARY:

A request has been received from the Great Northern Football League Inc (GNFL) to waive airport passenger service fees for thirty five return tickets provided free of charge by Skywest Airlines during the 2012 football season. A copy of the letter from GNFL is attached.

PROPONENT:

The proponent is the Great Northern Football League (Inc).

BACKGROUND:

The GNFL have been sponsored by Skywest Airlines with the donation of five return flights for each of the seven clubs in the GNFL to transport football players to Geraldton for the duration of the football season. The initiative is aimed at enhancing the less competitive sides of the GNFL competition to increase the popularity and attendances at football matches. The initial offer by Skywest requires that the GNFL pay the taxes for the flights. The GNFL have requested that the City waive the Airport fees and charges as there are other associated costs with the initiative and the GNFL believe that the additional cost of Airport taxes would put the initiative and sponsorship in jeopardy.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR 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:

The 2011/12 Fees and Charges for passenger service fees for arrival and departure at the Geraldton Airport is \$42 (inc GST) per passenger. The total amount waived for the 2012 GNFL football season is \$1470 (inc GST) and will have minimal impact on Airport revenue by way of revenue foregone.

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 sport, recreation and leisure facilities.

Regional Outcomes:

The GNFL proposed initiative would raise the profile of the GNFL competition in the region and increase player participation (both Junior and Senior); Club memberships and spectator numbers.

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

There are no economic impacts.

Social:

There is potential to enhance the quality of football in the region, providing a higher sporting profile for the Midwest.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Council recently supported the Mid West Aero Club application for the waiver of landing fees to encourage tourism.

Council supported the GNFL request / initiative for the 2011 GNFL season.

DELEGATED AUTHORITY:

There is no specific delegated authority.

VOTING REQUIREMENTS:

Simple majority.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority RESOLVES to:

1. DEFER the recommendation;
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. REJECT the proposed waiving of the Airport passenger service fee for thirty five return passenger flights for the GNFL season;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

CONCLUSION:

Sporting clubs and organisations assist in the development of valuable social, educational, sporting and community skills for a broad cross section of the community. Junior and Senior football provides skills and career development opportunities for players from Geraldton and the Midwest region. The competition provides links for players to competition at regional, state and national levels. The GNFL clubs activate and engage the community by the provision of sporting and social events for people of all ages, with weekly training, matches and fund raising events. Encouraging community members to participate in healthy lifestyle choices is an important role for sporting bodies. The GNFL football initiative will assist this organisation in the promotion of healthy lifestyle choices to the Geraldton community. An increased profile for the GNFL competition will assist in attracting visitors to Geraldton from both regional areas and the metropolitan area thereby boosting the Geraldton economy and potentially increasing passenger traffic into and out of the Geraldton Airport thus negating the loss of revenue if the GNFL request is approved.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority RESOLVES to:

1. REIMBURSE the Great Northern Football League (Inc) \$1470 (inc GST) for the passenger service fees for arrival and departure (Perth to Geraldton and return) for allocated flights to the seven GNFL Clubs for the 2012 season; and
2. FUND the reimbursement of fees from the 2011/12 Airport grants and contributions budget.

CE042 LEASE OF CAR HIRE BOOTHS GREENOUGH TERMINAL GERALDTON AIRPORT
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AGENDA REFERENCE:	D-12-19290
AUTHOR:	L MacLeod, Coordinator Land & Property Services and L Richards, Coordinator Geraldton Airport
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	01 May 2012
FILE REFERENCE:	PM/6/0006
APPLICANT / PROPONENT:	Ilha Pty Ltd as Trustee for Osborne Truck Rentals Unity Trust, Busby Investments Pty Ltd, Apolaustic Pty Ltd, Terry Truck Rentals Pty Ltd, and W.T.H Pty Ltd
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek approval to lease booth space for car hire operators in the existing allocated car hire area within the Greenough Terminal.

PROPONENT:

The proponents are:

1. Ilha Pty Ltd as Trustee for Osborne Truck Rentals Unit Trust trading as Thrifty Car Rentals
2. Busby Investments Pty Ltd trading as Budget Rent A Car
3. Apolaustic Pty Ltd trading as Europcar Australia and New Zealand
4. Terry Truck Rentals Pty Ltd trading as Hertz Truck Rentals
5. W.T.H Pty Ltd trading as Avis Australia

BACKGROUND:

At the Council meeting held 28 June 2011 the following was resolved;

1. *GIVE local public notice of the intent to extend the current lease agreements with Ilha Pty Ltd trading as Avis Australia, Hertz Australia Pty Ltd, Thrifty Car Rental, and Busby Investments Pty Ltd trading as Budget Rent a Car for a period of 12 months commencing 1 July 2011 and expiring on 30 June 2012;*
2. *MAKE the determination subject to advertising notice for a period of no less than two weeks inviting public submissions;*
3. *DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and*
4. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

As per the above resolution, an extension of the existing lease agreements was granted to the listed car hire operators until 30 June 2012.

The current lease charges for car hire operators is \$1500 per quarter or 5% of the time and kilometre fees levied by car hire vehicle where it exceeds \$1500

per quarter. Included in the current lease agreement is a wash down area and designated car parking bays.

Europcar Australia and New Zealand has recently expressed an interest in leasing a booth in the existing allocated car hire area within the Greenough Terminal and in the remaining designated car hire operations allotment on Gordon Garratt Drive. Council is to consider the Europcar Australia long term lease tenure on the car hire operations allotment on Gordon Garrett Drive at the 22 May 2012 Council meeting.

Lease tenure of the new car hire allotment area located on Gordon Garratt Drive has recently been approved by Council for the following operators:

1. Ilha Pty Ltd as Trustee for Osborne Truck Rentals Unit Trust trading as Thrifty Car Rentals
2. Busby Investments Pty Ltd trading as Budget Rent A Car
3. Apolaustic Pty Ltd trading as Europcar Australia and New Zealand
4. Terry Truck Rentals Pty Ltd trading as Hertz Truck Rentals
5. W.T.H Pty Ltd trading as Avis Australia

Upon finalisation of statutory requirements and leases all car hire operators will relocate to the new leased car hire allotment area on Gordon Garratt Drive.

COMMUNITY CONSULTATION:

There has been no community consultation. However if Council agree to this proposal, statutory advertising will be undertaken for a minimum of 14 days requesting submissions from the public.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

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

Section 3.58:

- (1) *In this section –*
 - “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “property” includes the whole or any part of the interest of a local government in property, but does not include money*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the*

council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

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.

Regional Outcomes:

This proposal will enable the continuation and potential expansion of car hire facilities at the Geraldton Airport thereby providing an ongoing service to patrons.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Lease fees received assist in the ongoing development and maintenance of the Geraldton Airport.

Social:

There are no social impacts with this proposal.

Environmental:

There are no environmental impacts with this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority relating 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. OFFER to enter into individual lease agreements for the booth space within the designated Car Hire Operations area in the Greenough Terminal to the following operators;
 - a. Ilha Pty Ltd as Trustee for Osborne Truck Rentals Unit Trust trading as Thrifty Car Rentals;
 - b. Busby Investments Pty Ltd trading as Budget Rent A Car;
 - c. Apolaustic Pty Ltd trading as Europcar Australia and New Zealand;
 - d. Terry Truck Rentals Pty Ltd trading as Hertz Truck Rentals; and
 - e. W.T.H Pty Ltd trading as Avis Australia;
2. SET the following conditions as:
 - a. enter into a lease agreement for a period of five (5) years;
 - b. make provision for a further lease term option of five (5) years subject to review;
 - c. commence the lease on 1 July 2012; and
 - d. any costs associated with the preparation and execution of the lease to be borne by the lessee.
3. DETERMINE the lease fee as a minimum of \$2,000 plus GST per quarter or 5% of the time and kilometre fees levied on car hire vehicles where it exceeds \$2,000 per quarter.
4. MAKE the determination subject to an advertising notice period of no less than two weeks inviting public submissions.
5. DELEGATE authority to the CEO to grant approval subject to there being no submissions received; and

6. REFER the matter back to Council for final consideration if any submissions are received.

Option 3:

That Council by Simple Majority RESOLVES to:

1. DEFER consideration of this matter for the following reasons:
 - a. To be determined by Council.

CONCLUSION:

The Midwest resources boom, an additional airline operator and increase in passenger and aircraft movements at Geraldton Airport encourages and provides viable commercial opportunities for Airport business operators.

To maintain Airport infrastructure and operations currently and for the future, it is recommended that we extend the car hire franchisees from four to five operators with a lease term of five plus five years subject to review as per the Executive Recommendation.

EXECUTIVE RECOMMENDATION:

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

1. OFFER to enter into individual lease agreements for the booth space within the designated Car Hire Operations area in the Greenough Terminal to the following operators;
 - a. Ilha Pty Ltd as Trustee for Osborne Truck Rentals Unit Trust trading as Thrifty Car Rentals;
 - b. Busby Investments Pty Ltd trading as Budget Rent A Car;
 - c. Apolaustic Pty Ltd Europcar Australia and New Zealand;
 - d. Terry Truck Rentals Pty Ltd trading as Hertz Truck Rentals; and
 - e. W.T.H. Pty Ltd Trading as Avis Australia.
 2. SET the following conditions as:
 - a. enter into a lease agreement for a period of five (5) years;
 - b. make provision for a further lease term option of five (5) years subject to review;
 - c. commence the lease on 1 July 2012; and
 - d. any costs associated with the preparation and execution of the lease to be borne by the lessee.
 3. DETERMINE the lease fee as a minimum of \$2,000 plus GST per quarter or 6% of the time and kilometre fees levied on car hire vehicles where it exceeds \$2,000 per quarter.
 4. MAKE the determination subject to an advertising notice period of no less than two weeks inviting public submissions.
 5. DELEGATE authority to the CEO to grant approval subject to there being no submissions received; and
 6. REFER the matter back to Council for final consideration if any submissions are received.
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CE043	TITLE LEASE TENURE – GORDON GARRATT DRIVE, GERALDTON AIRPORT
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AGENDA REFERENCE:	D-12-19337
AUTHOR:	J Dowling, Land & Leasing Officer
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	24 April 2012
FILE REFERENCE:	PM/6/0009
APPLICANT / PROPONENT:	Apolaustic Pty Ltd
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Council approval to lease the remaining designated car hire operations allotment on Gordon Garratt Drive, Moonyoonooka (Geraldton Airport) to Apolaustic Pty Ltd trading as Europcar Australia and New Zealand for the purpose of Car Hire Operations

PROPONENT:

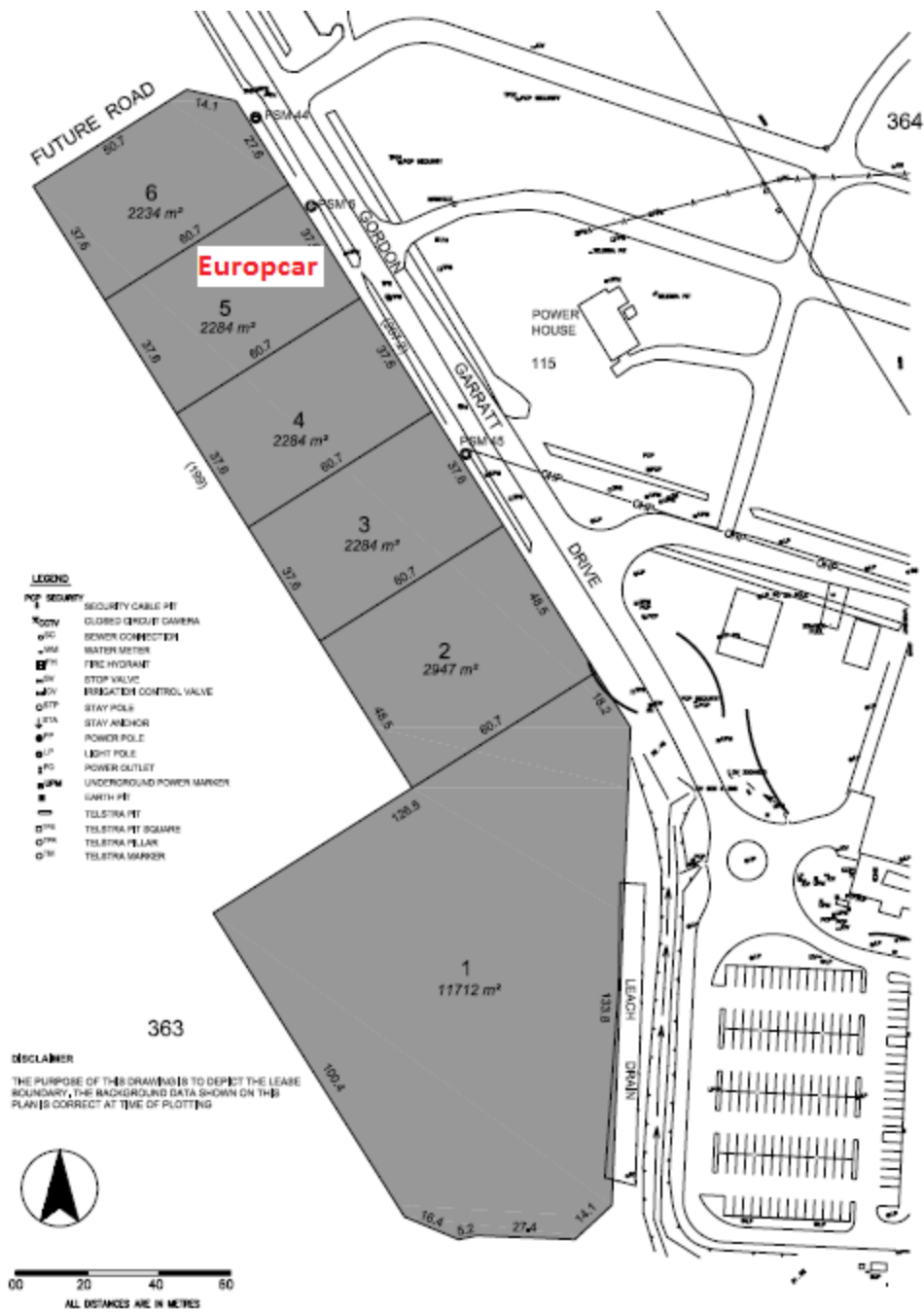
The Proponent is Apolaustic Pty Ltd, trading as Europcar Australia and New Zealand.

Rod Zak Director Mining/Commercial Western Australia

BACKGROUND:

Europcar Australia and New Zealand contacted the City expressing interest in establishing themselves at the Geraldton Airport. The company has recently expanded its operations into Geraldton at their new premises in Durlacher Street. Liaison between the Airport Manager and Europcar is ongoing to establish another customer service booth in the existing car hire area within the Greenough Terminal.

A formal request to lease Lot 5 Gordon Garratt Drive for a long term lease period of twenty five (25) years with a further term of twenty five (25) years was received from Europcar Australia and New Zealand on 17 April 2012. The lease fee for Lot 5 is \$20,000 (plus GST) per annum and a consideration of \$10,000 for the Long Term Leasing Rights Fee has been offered.



COMMUNITY CONSULTATION:

There has been no community consultation. However if Council agree to this proposal, statutory advertising will be undertaken for a minimum of 14 days inviting submissions from the public.

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

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL AND BUDGET IMPLICATIONS:

The commencement lease fee for Lot 5 Gordon Garratt Drive, based on a current ground market valuation, is \$20,000 (plus GST). The lease fee will be adjusted annually as at 1 July in line with the preceding March Consumer Price Index for Perth. The lease will be subject to a ground market valuation each triennium and at the commencement of any further term with the lease fees adjusted accordingly.

A one off Long Term Leasing Rights Fee of \$10,000 (plus GST) has been offered by the Proponent.

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.

Regional Outcomes:

This proposal will enable the expansion of the Car Hire Operations at the Geraldton Airport providing a greater service to patrons and the community.

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

Lease fees assist in the ongoing development of the Business/Technology Park and the maintenance of the Geraldton Airport.

Social:

There are no social impacts

Environmental:

There are no Environmental impacts

Cultural & Heritage:

There are no cultural, heritages or indigenous impacts with this proposal.

RELEVANT PRECEDENTS:

Council resolved at its meeting of 27 March 2012 to lease Lots 2, 3, and 6 Gordon Garratt Drive, Moonyoonooka to Car Hire companies currently operating out of the Greenough Terminal. Council also resolved to lease Lot 4 Gordon Garratt Drive at its meeting of 24 April 2012 to Busby Investments Pty Ltd trading as Budget Rent A Car.

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:

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 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:

Support for the Executive Recommendation would enable competition and expansion of the Car Hire Operations to further service Airport patrons and the community.

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 2284 square metres of land at the Geraldton Airport known as Lot 5 Gordon Garratt Drive, Moonyoonooka to Apolaustic Pty Ltd trading as Europcar Australia and New Zealand for the purpose of car hire operations;
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 twenty five (25) year lease agreement commencing 1 July 2012;
 - b. make provision for a further renewal option of twenty five (25) years;
 - c. accept the Long Term Leasing Rites Fee offer of \$10,000 plus GST;
 - d. set the commencement ground lease rental fee at \$20,000 plus GST per annum;
 - e. require a ground market valuation review to be undertaken every three (3) years during the term of the lease (including any further

- term), and at the commencement of any further term, and adjust the lease fees accordingly;
- f. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;
- g. the lessee being responsible for separately paying all applicable rates, taxes and other utilities;
 - i. any costs associated with the preparation and execution of the lease to be borne by the lessee;
- 4. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
- 5. REFER the matter back to Council for final consideration if any submissions are received.

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

AGENDA REFERENCE:	D-12-19990
AUTHOR:	A Brun, Chief Executive Officer
EXECUTIVE:	A Brun, Chief Executive Officer
DATE OF REPORT:	7 May 2012
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

BACKGROUND:

Information and items for noting or receiving (i.e. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the "Reports (including Minutes) to be Received" are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

ADMINISTRATIVE COMMENT:

The following reports are attached in the Appendix to this agenda:

<i>Reports – Department of Treasury and Finance</i>	
CS064	Confidential - List of Accounts Paid Under Delegation
CS067	Monthly Financial Report April 2012
<i>Reports – Department of Sustainable Communities</i>	
SCDD063	Delegated Determinations
<i>Reports – Department of Creative Communities</i>	
CC061	Bright Starts Family Day Care Officers report April 2012
CC062	Greater Geraldton Community Safety Crime Prevention Meeting Minutes
CC063	2012 Australia Day Celebrations Evaluation Report
CC064	2012 Harmony Day Celebrations Evaluation Report

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:**PART A**

That Council by Simple Majority pursuant to Section 22.(2) of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Department of Creative Communities
 - i. CC061 Bright Starts Family Day Care Officers report April 2012;
 - ii. CC062 Greater Geraldton Community Safety Crime Prevention Meeting Minutes;
 - iii. CC063 2012 Australia Day Celebrations Evaluation Report; and
 - iv. CC064 2012 Harmony Day Celebrations Evaluation Report.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Department of Treasury and Finance
 - i. CS064 Confidential - List of Accounts Paid Under Delegation;
 - ii. CS067 Monthly Financial Report April 2012; and
 - b. Reports – Department of Sustainable Communities
 - i. SCDD063 Delegated Determinations.

15 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

17 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING

18 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>