



ORDINARY MEETING OF COUNCIL  
MINUTES

22 NOVEMBER 2016

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 22 NOVEMBER 2016 AT 5.00PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

**DISCLAIMER:**

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

**1 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5pm.

**2 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor respectfully acknowledged the Yamaji people who are the Traditional Owners and First People of the land on which we met. The Mayor paid respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamaji people.

*Community Acknowledgements*

**Mrs Jean Edwards, past Councillor – 1993 to 2007**

The Mayor acknowledges the passing of Mrs Jean Edwards who was a Councillor for the [then] City of Geraldton from 1993 to 2007. Mrs Edwards worked tirelessly for the community during her period as Councillor and as a member of the community. This was recognised when she received the Medal of the Order of Australia in June 2006.

The City of Greater Geraldton send their sincere condolences to Mrs Edwards' family.

**Sydney Memorial 75<sup>th</sup> Commemorative Service – 19 November 2016**

On behalf to the Council of the City of Greater Geraldton the Mayor extended a sincere round of thanks to the staff and volunteers that put together the memorial service for the 75th anniversary of the sinking of the HMAS Sydney II. The event was well attended by people from as far away as America and from all parts of Australia and everybody spoke very highly of the way the event was run. Well done to all.

**Seniors Week – 6 November to 13 November 2016**

Cr Hall respectfully sought the support of this council in publicly acknowledging the outstanding work done by City Staff and the many Seniors Groups / volunteers whom worked some very long and hard hours to make the Cities Seniors week the success it was. Council acknowledge the work put in to setting up and taking down was sometimes tiring and physically daunting but to say the least. It shows a great team effort by many "Senior Volunteers" (meaning many being elderly themselves). Seniors are a big part of how a city forms its future through their legacy of having shared in the growing our community."

Council by way of this, extends it thanks publicly.

**3 ATTENDANCE**Present:

Mayor S Van Styn  
Cr G Bylund  
Cr D J Caudwell  
Cr N Colliver  
Cr J Critch  
Cr S Douglas  
Cr L Graham  
Cr L Freer  
Cr R D Hall  
Cr M Reymond  
Cr V Tanti  
Cr T Thomas

Officers:

K Diehm, Chief Executive Officer  
P Melling, Director of Development & Community Services  
B Davis, Director of Corporate and Commercial Services  
G Sherlock, A/Director of Infrastructure Services  
S Moulds, PA to the Chief Executive Officer/Minute Secretary  
C Lee, Manager Engineering Services, Engineering Services  
J Kopplhuber, Communications Officer - Engagement  
M Dufour, Senior Coastal and Natural Environment Officer  
B Robartson, Manager Land and Regulatory Services  
P Kingdom, Coordinator Communications

Others:

Members of Public: 15  
Members of Press: 2

Apologies:

Cr R Ellis\* (*Leave subsequently approved*)  
R McKim, Director of Infrastructure Services

Leave of Absence:

Cr N McIlwaine  
Cr S Keemink  
Cr R Ellis

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

**5 PUBLIC QUESTION TIME**

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

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

*Public question commenced at 5.03pm*

**Ms Virginie Fuhrmann, 10 Malcolm Street, Bluff Point**

Question

The mountain bike master plan proposal leaves little opportunity for other user groups or individuals. For example a small kids trail in the bushland area of Spalding Park had already been proposed to the City but is now identified for a mountain bike loop trail. Will other users still feel welcome and secure in the Park if mountain bikers monopolise the Chapman River from the estuary to Strathalbyn including most of Spalding Park??

Response

Spalding Park is a premier park and accommodation of multiple uses is a challenge for this area. Whilst, the mountain bike masterplan identifies elements and proposed locations the final locations for elements such as the skills loop trail has not been finalised. These locations will not be finalised until the detailed design has been completed. There will be an opportunity for further consultation prior to the final designs being completed.

Question

CRF is still finding people who have not heard of the proposal for a mountain bike trail in Chapman River Regional Park. How have you informed the wider Geraldton community of the Mountain Bike Master Plan?

Response

There is an existing mountain bike trail already in the CRRP. It has been there for over 20 years. The CRRP mountain bike masterplan was issued for public comment between 12 and 30 September 2016. Thirteen responses were received.

The current Master Plan builds on previous studies and plans which have each involved community participation:

1. Community workshops for the 2014 (Trails Master plan) were undertaken on 18 November 2013.
2. Community workshops on the outcomes of the 2012 Trail Assessment and Recommendations Report were undertaken on 27-28 July 2013.
3. A Community Management Committee was established for the 1999 Chapman River Regional Park Management Strategy.
4. A Community Advisory Committee was established for 1993 Chapman River Regional Park Management Plan.

Question

What additional opportunities are there now for community to respond to the Mountain Bike Master Plan proposal?

Response

As elements of the plan are implemented further community engagement will be undertaken.

**Ms Jenna Brooker, 34 Catherine Street, Bluff Point**Question

Examples of Mountain Bike Trails in National Parks or State Forest that have been provided so far by Council officers all involve cycling on wide trails, such as MundaBiddy Trail. Can Council advise where mountain biking is permitted and maintained in sensitive natural bushland conservation areas on narrow trails?

Response

Cross country mountain bike Trails in the Kalamunda and Bramley National Parks are two examples where mountain biking is permitted and maintained in sensitive natural bushland conservation areas on narrow trails.

Question

As part of this proposal the Council is developing a Memorandum of Understanding between CGG and Geraldton Mountain Bike Club. What action will be taken if standards are not maintained both as part of general trail maintenance and also during mountain biking events?

Response

The City will undertake major maintenance of all trails within the CRRP. The costs associated with these works will be budgeted for within the City's annual operational budgets. A maintenance and monitoring program will be adopted for the area and enforced by the City under the conditions of the MOU. Ultimately, responsibility for ensuring that all trails are correctly managed and maintained lies with the City.

Question

The original Mountain Bike Master Plan proposal 2014 was for Chapman River Wildlife Corridor, which extends from the coast to Moonyoonooka. Why then has the City now proposed a Mountain Bike Master Plan entirely within the recognised Conservation Zone of Chapman River Regional Park??

Response

The two Chapman River Regional Park Plans (1993, 1999) advocate for cycling in the conservation zone of the CRRP. There are land tenure issues (i.e. we don't own all the land [until development occurs]) that preclude extending the mountain bike trail out to Moonyoonooka. The formalisation of the existing trail within the CRRP is consistent with these plans and the trails masterplan (2014).

**Dr Indre Asmussen, 8 White Peak Rd, White Peak**Question

The proposal claims mountain biking and conservation can co-exist, however this is a hot dry climate and therefore less likely to sustain such user pressure and bounce back. How can you approve a mountain bike route, which was designed without considerations of ecological and social values and without stakeholder input in site selection?

Response

The resolution being considered by Council requires an environmental impact statement to be undertaken and also requires an agreement from key stakeholders regarding the implementation of the plan. Both of these will help preserve and enhance the current environmental and cultural values of the park.

Question

The proposal raises Liability and Equity issues – as the proposed mountain bike track covers nearly the whole riverine area. Will the CGG be liable for accidents sustained within the Park by other users and riders?

Response

Only to the extent that the Council has been negligent.

Question

Over the last 20 years, a lot of time and money has been spent rehabilitating the park. These funds and in kind donations were granted,

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as project outcomes met stringent conservation objectives. By voting YES, are you defaulting on past investment foundations and thereby showing a blatant disrespect of past conservation initiatives?

Response

I disagree. As previously stated, the resolution being considered by Council requires an environmental impact statement to be undertaken and also requires an agreement from key stakeholders regarding the implementation of the plan. Both of these have the express purpose of preserving and enhancing the current environmental and cultural values of the park.

**Mr Peter Nelson, 17 Forrest Street, Geraldton**

Question

Are the Councillors aware that one proponent is involved in all three businesses in the immediate area; Jaffle Shack, dessert kiosk and hire kiosk.

Response

The process that was followed for the Expressions of Interest was open via an Expression of Interest (Eoi) process to the wider Geraldton community. When the Eoi's were considered it was against the Policy criteria and the uses and activities offered and did not focus on an individual proponent. That is also how the proposals are assessed on planning ground and are not applicant specific.

Question

Do the Councillors not believe that a location in front of the yacht club, near the youth precinct, disabled access ramp, RV parking area and a boating precinct, would not be better suited than at a swimming beach for the hire kiosk.

Response

The Mayor advised that questions can only be directed to the Chair. Council will consider at this meeting a proposition to locate certain facilities at certain areas. Where we (the Council) believe as individuals could be a better or worse area is a matter for deliberation during the debate, therefore not relevant at this point.

Question

Can the Council advise as at the 22nd November, have either of the proposed leases been signed and accepted by Council and the proponents.

Response

The applications before Council at this meeting are to facilitate the potential for the leases. There has been no prior signing of any leases on these applications.

*Public question time concluded at 5.14pm*

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

### Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr N McIlwaine	4 November 2016	27 November 2016	25/10/2016
Cr S Keemink	22 November 2016	25 November 2016	25/10/2016
Cr T Thomas	5 December 2016	15 January 2017	25/10/2016
Cr N Colliver	10 December 2016	19 December 2016	25/10/2016
Cr V Tanti	15 January 2017	22 January 2017	27/10/2016
Cr N Colliver	8 February 2017	13 February 2017	25/10/2016

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

### COUNCIL DECISION

#### MOVED CR REYMOND, SECONDED CR DOUGLAS

Cr R Ellis request leave of absence for the period 22 November 2016 to 31 December 2016 be approved.

Cr S Keemink request leave of absence for the period 3 January 2017 to 27 January 2017 be approved.

Cr J Critch request leave of absence for the period 24 December 2016 to 9 January 2017 be approved.

Cr J Critch request leave of absence for the period 25 January 2017 to 2 February 2017 be approved.

### CARRIED 12/0

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

## 7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Nil.

## 8 DECLARATIONS OF CONFLICTS OF INTEREST

Cr L Freer declared a proximity interest in Item CCS218 2017 Extended Trading Hours, as employed by one of the mentioned major retailers.

Cr G Bylund declared a proximity interest in Item DCS305, Proposed Land Exchanged CGG and Burando Hill, as he is an adjacent land owner.

Cr S Douglas declared an impartiality interest in Item DCS310, Proposed Animal Management Facility, as his wife is a volunteer with Dog Rescue.

Cr S Douglas declared an impartiality interest in Item CCS222, Funding Submission for Progress Midwest, as MWDC are supporting the proposal.

Cr S Douglas declared an impartiality interest in Item IS131, Beresford Coastal Protection, as MWDC is a funding contributor.

Cr S Douglas declared an impartiality interest in Item IS132, Chapman River – Mountain Bike Master Plan, as funding application lodged with MWDC.

Cr S Douglas declared an impartiality interest in Item IS133, Wandina Primary School Memorandum of Understanding, as funding application lodged with MWDC.

Cr B Hall declared an impartiality interest in Item CCS219, Rates Exemption Community Housing. His son and wife and children live in Glenfin Street, 3 of homes mentioned in the application.

**9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated**

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 25 October 2016 and the Special Meeting of Council held on 27 October 2016, as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION**

**MOVED CR HALL, SECONDED CR REYMOND**

**RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 25 October 2016 and the Special Meeting of Council held on 27 October 2016, as previously circulated, be adopted as a true and correct record of proceedings.**

**CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
26 October 2016	Spirit Radio Interview ABC Radio Interview Radio Mamma Interview	Mayor Shane Van Styn
26 October 2016	Photo: GWN Everlasting Partnership Signing	Mayor Shane Van Styn
26 October 2016	HMAS <i>Sydney</i> II Memorial Advisory Committee Meeting	Mayor Shane Van Styn
27 October 2016	Citizenship Ceremony	Mayor Shane Van Styn
27 October 2016	Art Drive Short Documentary shoot	Mayor Shane Van Styn
27 October 2016	Discuss RCDP 2 – Growing Greater Geraldton	Mayor Shane Van Styn
27 October 2016	Special Meeting of Council – to consider the Greater Geraldton Growth Plan	Mayor Shane Van Styn
27 October 2016	Meeting with Councillor Reymond	Mayor Shane Van Styn
28 October 2016	Meeting with Senator the Hon Fiona Nash	Mayor Shane Van Styn
28 October 2016	Spalding Revitalisation Meeting	Mayor Shane Van Styn
31 October 2016	Regional Capitals Australia Executive pre meeting	Mayor Shane Van Styn
31 October 2016	Regular catch up – Mayor & CEO	Mayor Shane Van Styn
2 November 2016	Remembering Them – Speech at ANZAC display	Mayor Shane Van Styn
2 November 2016	Concept Forum – Behind closed doors	Mayor Shane Van Styn
3 November 2016	Geraldton Sailors and Soldiers 2016 AGM	Mayor Shane Van Styn
3 November 2016	Meeting to discuss Spalding Family Centre	Mayor Shane Van Styn
3 November 2016	Meeting to discuss Stand up paddle board event	Mayor Shane Van Styn
3 November 2016	Meeting to discuss launch of Investment Midwest	Mayor Shane Van Styn
3 November 2016	Launch of Investor Showcase	Mayor Shane Van Styn
4 November 2016	NAB Challenge Cup filming	Mayor Shane Van Styn
4 November 2016	Official Opening of the Mullewa Waste Transfer Station	Mayor Shane Van Styn
5 November 2016	Midwest Charity Begins at Home Gala Dinner	Mayor Shane Van Styn
Sunday 6 November 2016	Maasdam – Cruise Ship Visit to Geraldton – Tour and Lunch	Mayor Shane Van Styn
6 November 2016	Opening of Seniors Week	Cr Bob Hall
7 November 2016	Mayor's Mystery Bus Tour	Mayor Shane Van Styn
7 November 2016	Regular Catch up – Media & Marketing	Mayor Shane Van Styn
7 November 2016	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
7 November 2016	Regular Catch up – Local Members	Mayor Shane Van Styn
8 November 2016	Regional Capitals Australia Board Meeting	Mayor Shane Van Styn
9 November 2016	Regional Capitals Australia delegation Meeting with Ms Cathy McGowan AO, MP	Mayor Shane Van Styn
9 November 2016	Regional Capitals Australia delegation Meeting with Mr Damian Drum MP	Mayor Shane Van Styn
9 November 2016	Regional Capitals Australia delegation Meeting with The Hon. Angus Taylor MP	Mayor Shane Van Styn
9 November 2016	Regional Capitals Australia delegation Meeting with The Office of Hon. Bill Shorten MP	Mayor Shane Van Styn
11 November 2016	Private Citizenship Ceremony	Mayor Shane Van Styn

11 November 2016	Remembrance Day Ceremony and Wreath Laying	Mayor Shane Van Styn
11 November 2016	Seniors Week Lunch	Mayor Shane Van Styn
11 November 2016	Interview with channel 9 – NAB Cup game	Mayor Shane Van Styn
11 November 2016	Presentation of Lotterywest Certificate to go towards the HMAS Sydney II 75th Anniversary	Mayor Shane Van Styn
14 November 2016	TCDP 2 Steering Committee in Geraldton	Mayor Shane Van Styn
14 November 2016	Cruise Ready Workshop	Mayor Shane Van Styn
14 November 2016	Sundowner RCDP Review Board	Mayor Shane Van Styn
14 November 2016	Dinner with Mr Wu	Mayor Shane Van Styn
15 November 2016	Regular Catch up – Media & Marketing	Mayor Shane Van Styn
15 November 2016	Radiance of the Seas - Cruise Ship Visit to Geraldton – Tour and Lunch	Mayor Shane Van Styn
15 November 2016	Meeting with Events – Discuss HMAS Sydney 75 <sup>th</sup> Commemoration service	Mayor Shane Van Styn
15 November 2016	Agenda Forum	Mayor Shane Van Styn
17 November 2016	Local Emergency Management Committee Meeting	Mayor Shane Van Styn
17 November 2016	Ceremony for the unknown serviceman	Mayor Shane Van Styn
18 November 2016	Museum of Geraldton Site Advisory Committee Meeting	Mayor Shane Van Styn
18 November 2016	Entrepreneurial Development for Geraldton Meeting – ATC Midwest	Mayor Shane Van Styn
18 November 2016	Official launch of the exhibit and 3D film From Great Depths	Mayor Shane Van Styn
Saturday 19 November 2016	11th Battalion to attend the official opening of the Trench Project by Her Excellency the Governor	Mayor Shane Van Styn
19 November 2016	75th HMAS Sydney II commemoration	Mayor Shane Van Styn
19 November 2016	Civic Reception - 75th HMAS Sydney II Commemoration	Mayor Shane Van Styn
Sunday 20 November 2016	Midwest Multicultural Association Festival of Lights 2016	Mayor Shane Van Styn
21 November 2016	Regular Catch up – Media & Marketing	Mayor Shane Van Styn
21 November 2016	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
21 November 2016	Meeting with Batavia Coast Maritime Heritage Association	Mayor Shane Van Styn
22 November 2016	Gingin to Kalbarri Sub-Regional Planning Steering Group	Mayor Shane Van Styn
22 November 2016	Ordinary Meeting of Council	Mayor Shane Van Styn

**PROCEDURAL MOTION****MOVED CR THOMAS, SECONDED CR FREER****That Council RESOLVES to MOVE Item IS132, Chapman River Regional Park Mountain Bike Master Plan to this section of the Agenda.****CARRIED 12/0****5:20:25 PM**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

IS132	CHAPMAN RIVER REGIONAL PARK MOUNTAIN BIKE MASTER PLAN
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<b>AGENDA REFERENCE:</b>	<b>D-16-70071</b>
<b>AUTHOR:</b>	<b>M Dufour, Senior Coastal and Natural Environment Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>31 October 2016</b>
<b>FILE REFERENCE:</b>	<b>EM/9/0033</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b>
	<b>A. Chapman River Regional Park Mountain Bike Master Plan</b>
	<b>B. Chapman Regional Wildlife Corridor Trails Master Plan</b>
	<b>C. Chapman River Regional Park Mountain Bike Master Plan Public Comments</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council endorsement of the Chapman River Regional Park Mountain Bike Master Plan which includes a positive environmental outcome through the closure and rehabilitation of non-essential steep tracks and improved maintenance of the remaining well-established mountain bike trail. Unless action is taken the environmental values of the park will continue to be impacted and gradually worsen the longer a 'Do Nothing' approach is maintained.

Endorsement of the Mountain Bike Master Plan is required as a strategic guiding document for the long-term provision of sustainable mountain biking within the Chapman River Regional Park.

**EXECUTIVE RECOMMENDATION:**

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

1. ENDORSE the Chapman River Regional Park Mountain Bike Master Plan subject to inclusion of an environmental impact statement within the plan;
2. DELEGATE authority to the CEO to enter into an adoption agreement (Memorandum of Understanding) with the Geraldton Mountain Bike Group regarding the use and maintenance of the trail);
3. DELEGATE authority to the CEO to develop and approve an environmental impact statement to address impacts of the matter on the Parks environmental values;
4. UNDERTAKE detailed design of the various master plan elements subject to:
  - a. Further consultation with specific stakeholders (Yamaji Marlpa Aboriginal Corporation, Chapman River Friends, Batavia Miniature Railways);
  - b. Inclusion of signage for all park users;

- c. Trails only to be located on park lands; and
5. INVESTIGATE alternative locations for the ‘*sport*’, ‘*independent*’ and ‘*gravity*’ level mountain bike activities.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Government of Western Australia granted 500 acres to Geraldton Municipal Council in 1891 and named it Spalding Park. The Chapman River Regional Park was proposed in the Geraldton Regional Plan (1989) and consists of 364 hectares comprising the Chapman River, Chapman River Foreshore, Spalding Park, Spalding Park Golf Club, Spalding Park Horse and Pony Club and other reserves. The majority of the reserves are identified for public park, public recreation, and conservation.

Geraldton is fortunate to have such an extensive open public space in its heart and it caters for a wide range of recreational activities in what, is considered a regional biodiversity hotspot. With the growth of Geraldton as City and regional centre, development around the Chapman River corridor has increased accessibility to the Regional Park. This in turn has led to an increase in the number and extent of trails within the Park

Two Chapman River Regional Park Management Plans have been developed that plan for the shared usage of the Park

- Chapman River Regional Park Management Plan (1993);
- Chapman River Regional Park Management Strategy (1999).

The primary mechanism advocated by the plans to achieving shared usage of the Park is through environmental zoning of the Park according to conservation value and through recreational zoning of the Park according to the level of recreational use. The existing and well-established loop trail identified in the Mountain Bike Master Plan falls within the conservation zone of both plans which identifies appropriate uses and development as:

Appropriate Uses	Appropriate Development
Walking	Formed roads
Jogging	Dual-use pathways
Cycling (on trails only)	Walking trails
Scientific/Educational studies	Fire trails
	Look-out points
	Weed and disease control
	Fire control
	Erosion control
	Ecological restoration

Source: Chapman River Regional Park Management Plan, Mitchell McCotter, 1993, p4.12.



Appropriate Uses	Appropriate forms of Construction
Walking Jogging Cycling (on trails only) Scientific/Educational studies	Dual-use pathways Walking trails Lookouts

Source: Chapman River Regional Park Management Strategy, Landform Research, 1999, p70.

More recently The Chapman River Regional Park has been subject to further studies that focus on trail usage and development, and the sustainable management of the mountain bike trail present in the Park:

- Trail Assessment and Recommendations (Jamie Campbell, 2012) – provided an assessment of sustainability, functionality (dual use areas), safety (walkers and bike riders), trail rating (mountain bike only) and other relevant environmental considerations. It included detailed recommendations for improvements to the existing well-established trail;
- Chapman Regional Wildlife Corridor Trails Masterplan (2014) – mapped current and future cycling, pedestrian and dual use paths and associated infrastructure.

In 2015 the City secured funding to develop a mountain bike master plan that aligns with, and builds on these plans to present a long-term vision for sustainable mountain biking with the Chapman River Regional Park. It has two main components:

- The formalisation and sustainable management of the existing and well-established mountain bike trail within Chapman River Regional Park through:
  - Track rationalisation. Closure and rehabilitation of spur tracks. This will provide a positive environmental benefit through a reduction in trails and an increase in native vegetation;
  - Track improvements. Improved trail construction and maintenance of loop trail. This will provide a positive environmental benefit through implementation of environmental sustainable track design and a regular maintenance programme
- Creation of additional mountain biking elements within the public recreation reserves of the Chapman River Regional Park through:
  - Trail header at Spalding Park which has existing facilities; This will provide a positive environmental outcome through the provision of interpretive and guiding information of park use and trail location and trail use etiquette
  - Utilisation of space in Spalding Park or other public recreation reserves of the Chapman River Regional Park for pump and jump tracks
  - Utilisation of existing trails to the river mouth for a 'beach' mountain bike trail.

More recently the Department of Parks and Wildlife has developed a consultative draft for its Western Australian Mountain Bike Management Guidelines (2016). This provides a framework for the development and

implementation of mountain bike trails that now includes a process for the development an environmental impact statement for new trail project proposals.

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

### **Economic:**

At this stage, City officers are only planning to proceed to implementation of the various elements of the master plan if grant funding is obtained. The maintenance costs of the trail will be off-set by entering into an MoU with the mountain bike club.

An increase in tourists and recreational user groups to the Park will provide local and regional economic benefit to Geraldton and the Midwest.

### **Social:**

There will be increased opportunity for bike-oriented recreation in and around the Chapman River Regional Park. Recreational users will be attracted to Spalding Park increasing social interaction.

### **Environmental:**

Uncontrolled trail development in the Chapman River Regional Park is impacting environmental values of the park. Deviation from the existing well-established walk and mountain bike trails has created erosion and vegetation management issues. Unless action is taken the environmental values of the park will continue to be impacted and gradually worsen the longer a 'Do Nothing' approach is maintained.

The Chapman River Regional Park forms an important Regional Linkage between the coastal foreshore and the southern extent of the Moresby Ranges. It has been recognised as being of regional significance for conservation and recreation since the 1970s. The Chapman River Wildlife Corridor Trails Masterplan (2014) project aligns with the broader State Natural Resource Management (NRM) Program aimed at preserving and protecting the flora and fauna of the area. As such, the conservation objectives of this project are a high priority and this plan should deliver a net conservation benefit to the area.

The inclusion of Mountain Bike Trails in significant environmental areas is now common practice right across Australia. Examples include Tasmania's Blue Derby Mountain Bike Trails (Australia's largest single mountain bike project to date) and the Baldy Mountain Forest Reserve and Herberton Range State Forest (winner of Queensland Outdoor tourism award). These examples demonstrate that Mountain Bike Trails can be successfully managed in all of Australia's significant environmental areas.

There are now well developed resources available to sustainable construct and maintain mountain bike tracks to ensure high quality environmental outcomes are achieved. For instance, Trail Solutions' IMBA's premier trail-building resource. This 272-page book combines cutting-edge trail-building techniques with proven fundamentals. Trail Solutions is complimented by Managing Mountain Biking: IMBA's Guide to Providing Great Riding, a 256-page book that

focuses on solutions to mountain biking management issues. Together, the two books provide a complete resource for better trail recreation. Published in 2004, the book has emerged as the leading source of sustainable trail-building information. Nearly 10,000 copies have been distributed to over 40 countries, and the guidelines have been adopted as official policy by hundreds of land agencies and recreation providers around the globe.

The Trail Assessment and Recommendations (2012) assessed every trail used by mountain bikers within the Park against the IMBA sustainability guidelines and identified those that were environmentally unsustainable and appropriate for closure and rehabilitation. The Chapman River Regional Corridor mountain bike master presented in this item has further assessed the mountain bike trails identified in the Trail Assessment and Recommendations (2012) and identified a single most environmentally sustainable loop trail within the Park.

There are a number of threatened ecological communities and declared priority flora within the Chapman River Regional Park. The City will work with the Department of Parks and Wildlife in relation to any trail realignment around these areas.

**Cultural & Heritage:**

There are four registered aboriginal heritages sites listed on the Aboriginal Heritage Information System that are located in the Chapman River Regional Park:

- Railway Reserve (ID 4391)– Artefacts/Scatter
- Spalding Park (ID 4392) - Artefacts/Scatter
- Chapman River (ID 30063) – Historical, mythological, birth place, water source
- Chapman River Mouth (ID 5561): Skeletal Material/Burial

The Heritage Council lists two places on inherit, the Heritage Councils Heritage information system

- Spalding Park (Place Number 13725)
- Chapman River Road Bridge (Place Number 3410)

Given that the Mountain Bike plan does not advocate the creation of new trails it is not anticipated that there will be any cultural or heritage issues.

Part of the proposed pump and jump track falls within the boundaries of Spalding Park (ID 4392) - Artefacts/Scatter. However, the land has previously been cleared so it is not anticipated that there will be any cultural or heritage issues. Alternative locations for the pump and jump tracks are available should there be issues with its proposed location.

The City will invite the native title claim groups and their representative body to be involved in the trail rationalisation and will be sensitive to any ground works that need to be carried out during this process. This is something that may impact all trails and accesses within the Chapman River Regional Park.

**RELEVANT PRECEDENTS:**

The Kalamunda Trails are 40km of fully signed trails in the Kalamunda National Park and State Forest located in the Perth Hills and along the Darling Scarp.

Works have just recently been completed on a nine kilometre network of trails in the Bramley National Park in the Margaret River area – an outcome from the bike master plan for the region.

The Munda Biddi Trail is a premier off-road cycling experience meandering through unspoiled bushland and identified as one of the world's 36 biodiversity hotspots.

The Chapman River Regional Park Mountain Bike Master Plan is consistent with the Chapman River Wildlife Trail Corridor Trails Masterplan (2014) which reduces the environmental impact through the closure and rehabilitation of trails and improves environmental management of the existing well established trails

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillors were presented with the draft Chapman River Regional Park Mountain Bike Master Plan at Council Concept Forum of 9 August 2016. A public comment period then commenced and period closed on 30 September 2016.

A total of 13 submissions were received and are presented as a summary attachment to the report. Submission upheld in the summary attachment are reflected in and addressed in the officer's recommendation contain in this report.

Presentations were made to Council by the Chapman River Friends and Geraldton Mountain Bike Club at their Concept Forum held on 2 November 2016

The Chapman River Regional Park Mountain Bike Master Plan builds on the Chapman River Wildlife Corridor Trails Masterplan (2014) – which involved consultation with the main stakeholders and user groups using the Chapman River Regional Park to come to a consensus on all trails and users within the park.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Where required the City will, during implementation of the Mountain Bike Master Plan comply with the provisions of the

- Environment Protection and Biodiversity Conservation Act; and
- Aboriginal Heritage Act

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications associated with endorsing the plan itself. Additional resources will be required to implement the plan and to finalise the location of the pump and jump track within in the Chapman River Regional Park.

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**INTEGRATED PLANNING LINKS:**

Title: Social	Recreation and Sport
Strategy 3.1.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle
Title: Environment	Revegetation-Rehabilitation-Preservation
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Governance	Planning and Policy
Strategy 5.2.3	Addressing cultural heritage issues and the preservation and enhancement of natural areas as part of the development process

**REGIONAL OUTCOMES:**

The Chapman River Regional Park Mountain Bike Masterplan aligns with the Western Australian Mountain Bike Strategy (WestCycle, 2015) through the advocacy for a sustainable mountain bike trail for the Midwest Region – addressing the need to develop a state-wide network of sustainable trails, facilities and associated infrastructure

**RISK MANAGEMENT**

Through the Trails Masterplan (2014) different user groups will be able to utilise the Park mitigating potential user conflict through dedicated trails and minimisation of shared.

The City will follow the Mountain Bike trails guidelines to ensure that the trail formalisation is environmental sustainable and aligns with environmental, cultural and heritage values of the Park.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

- *Reject Master Plan - Do Nothing.* By not endorsing the plan, mountain biking will continue in the Chapman River Regional Park without direction and control over trail management and maintenance.
- *Adopt Plan without conditions.* By adopting the plan without conditions concerns by community environmental groups will not be addressed
- *Reject Master Plan - Start Again at alternative site.* Mountain biking has been part of the CRRP for the past 20 years. Given its population catchment area the CRRP needs to cater for and accommodate a multitude of user groups.
- *Adopt Master Plan – with conditions.* This is the preferred option. It recognises the concerns of other user groups and looks to address these through the conditions. It also recognises that an alternative mountain bike trail should be developed at an alternative site in recognition of the potential impacts on environmental and conservation values of over use of the CRRP trail that could be caused by an increasingly popular sport and pastime.
- *Adopt portions of the Master Plan located in Spalding Park.* This would allow development in Spalding Park consistent with the level of service for a premier park. It is also in an existing cleared public park space with

little minimal impact on native vegetation. However, it will maintain the 'Do Nothing' approach for the 11km loop trail within the river corridor.

*Cr S Douglas declared an impartiality interest in Item IS132, Chapman River – Mountain Bike Master Plan, as funding application lodged with MWDC and left Chambers at 5.22pm*

*Cr Reymond foreshadowed to remove Item 3 from the Resolution if the motion is lost.*

### **COUNCIL DECISION**

#### **MOVED CR BYLUND, SECONDED CR HALL**

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

- 1. ENDORSE the Chapman River Regional Park Mountain Bike Master Plan;**
- 2. DIRECT the Chief Executive Officer to:**
  - a. Undertake and develop an environmental impact statement to preserve and enhance the current environmental values of the Chapman River Regional Park.**
  - b. Consult and develop an agreement with key stakeholders, traditional owners and user groups in relation to the implementation of the Chapman River Regional Park Mountain Bike Master Plan, in a manner that protects and enhances the parks environmental and cultural values.**
- 3. NOTE that the proposed cycle pathways within Chapman River Regional Park are to be constructed to a standard that caters for recreational cycling activity by people with moderate skills and variable fitness, and are not intended for 'sport', 'independent' and 'gravity' level mountain bike activities.**

#### **CARRIED 9/2**

**5:38:18 PM**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>N/V</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>YES</b>

*Cr Douglas returned to Chambers at 5.38pm*

## 11 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS304	DEDICATION OF LOT 60 AND PORTIONS OF LAND REQUIRED FOR ROAD PURPOSES AS ROAD RESERVE, BRAND HIGHWAY AND HAMERSLEY ROAD, GREENOUGH
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<b>AGENDA REFERENCE:</b>	<b>D-16-68908</b>
<b>AUTHOR:</b>	<b>C Krummenacher, Planning Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>28 October 2016</b>
<b>FILE REFERENCE:</b>	<b>RO/11/0014 &amp; RC112</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>A. Aerial Plan, Plan No. 19602 and Drawing No.1560-060</b>

### EXECUTIVE SUMMARY:

The City has received a request to resolve to dedicate Lot 60 and two portions of land required for road purposes as road reserve for widening of the Brand Highway and Hamersley Road, Greenough.

### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to Section 56 of the Land Administration Act 1997, RESOLVES to:

1. REQUEST the Minister for Lands to dedicate Lot 60 on Plan 19602 and portions of Brand Highway and Hamersley Road as shown highlighted on Drawing No. 1560-060 as road reserve; and
2. INDEMNIFY the Minister against any claim for compensation as required by Section 56(4) of the Land Administration Act 1997 (as amended).

### PROPONENT:

The proponent is Main Roads WA (MRWA).

### BACKGROUND:

Following road and Greenough River bridge works along Brand Highway (in Greenough) the intersection with Hamersley Road was realigned. This has resulted in Lot 60 and two portions of land required for road purposes along Brand Highway and Hamersley Road not being contained within the road reserve.

It is noted that Council, at its meeting held on 27 September 2016, resolved to:

- “1. REQUEST the Minister for Lands to approve the closure of a portion of Hamersley Road reserve as shown on Main Roads WA Drawing No. 1560-060.”

MRWA have advised that the majority of land matters (including the above closure of a portion of Hamersley Road) have been finalised, with the exception of the dedication of a few severances of road, being Lot 60 and the two portions

of land required for road purposes. MRWA wish to finalise all road actions and rationalise tenure for this project, hence the requirement to dedicate Lot 60 and the two portions of land required for road purposes. The matter of formal dedication is an administrative requirement under the Land Administration Act 1997.

An aerial plan and plans showing Lot 60 and the other two portions of land required for road purposes are included as Attachment No. DCS304. It is noted that Plan 19602 depicts the original alignment of Brand Highway and Hamersley Road and as such does not reflect the recent road alignment changes as shown on the aerial plan.

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

#### **Economic:**

There are no economic impacts

#### **Social:**

There are no social impacts.

#### **Environmental:**

There are no environmental impacts.

#### **Cultural & Heritage:**

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

The author is not aware of any relevant precedents.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no Community/Councillor consultation.

### **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 56 of the Land Administration Act 1997 provides for the dedication of public roads.

### **FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

### **INTEGRATED PLANNING LINKS:**

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

### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.



**RISK MANAGEMENT:**

There are no inherent risks in initiating proceedings to formally dedicate the portions of land as described above as road reserve.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Dedication of the subject land will correct an anomaly which currently exists whereby land required for road purposes are not contained within the road reserve. The dedications will rectify this anomaly and therefore the option to refuse is not supported.

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

**COUNCIL DECISION****MOVED CR GRAHAM, SECONDED CR HALL**

**That Council by Simple Majority, pursuant to Section 56 of the Land Administration Act 1997, RESOLVES to:**

- 1. REQUEST the Minister for Lands to dedicate Lot 60 on Plan 19602 and portions of Brand Highway and Hamersley Road as shown highlighted on Drawing No. 1560-060 as road reserve; and**
- 2. INDEMNIFY the Minister against any claim for compensation as required by Section 56(4) of the Land Administration Act 1997 (as amended).**

**CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

DCS305 PROPOSED LAND EXCHANGE – PT LOT 122 BOYD STREET & LOT 22 HORWOOD ROAD – CGG & BURANDO HILL PL
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<b>AGENDA REFERENCE:</b>	<b>D-16-67529</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>25 October 2016</b>
<b>FILE REFERENCE:</b>	<b>A20141</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Confidential Submission</b>
	<b>B. Schedule of Submissions</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to consider the submission received and grant approval for the transfer of Part Lot 122 Boyd Street, Webberton to Burando Hill PL in exchange for Lot 22 Horwood Road, Utakarra including a cash difference payment to the City. The submission is attached as a Confidential Attachment No. DCS305A.

**EXECUTIVE RECOMMENDATION:**

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

1. DISMISS the objecting submission;
2. APPROVE the TRANSFER of Part Lot 122 Boyd Street, Webberton to Burando Hill PL in EXCHANGE for Lot 22 Horwood Road, Utakarra; and
3. MAKE the determination subject to:
  - a. That both Lots are free of any encumbrances over the titles; and
  - b. The cash difference payable to the City by Burando Hill PL is agreed and set at \$115,000 plus GST.

**PROPONENT:**

The City of Greater Geraldton and Burando Hill PL.

**BACKGROUND:**

Council at its meeting on the 27 September 2016 resolved the following:

1. *GIVE local public notice of the APPROVAL to TRANSFER Part Lot 122 Boyd Street, Webberton to Burando Hill PL in EXCHANGE for Lot 22 Horwood Road, Utakarra;*
2. *MAKE the determination subject to:*
  - a. *Advertising notice period of no less than 14 days inviting public submissions;*
  - b. *That both Lots are free of any encumbrances over the titles;*
  - c. *The cash difference payable to the City by Burando Hill PL is agreed and set at \$115,000 plus GST; and*
3. *REFER the matter back to Council for final consideration if any objecting submissions are received.*



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

This outcome would allow Burando Hill PL to develop new premises over a larger area of land that in return may provide the stimulus to further activation to the Boyd Street, Webberton locality with light industry development.

**Social:**

There are no social impacts.

**Environmental:**

The City continues to undertake site investigation and remediation works to part of Lot 122 Boyd Street, Webberton. Lot 122 is currently listed on the Department of Environment & Regulation (DER) contamination sites register and therefore prior to subdivision approval requires Department of Environment Regulation (DER) clearance.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

The City has prior land exchange proposals that have resulted in beneficial outcomes for the City.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Advertising of the proposed disposition occurred on the City website from 7 October 2016 until 21 October 2016 and Geraldton Guardian from 7/10/16 and 14 October 2016 with submissions closing on the 21 October 2016. The notice was also displayed on the public notice board located at the Civic Centre.

At the closure of submissions, one objecting submission was received and forms part of the Schedule of Submissions – see Attachment No. DCS304.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The valuations provided are as follows:

Pt Lot 122 Boyd Street, Webberton - \$600,000 exclusive GST; and  
Lot 22 Horwood Road, Utakarra - \$440,000 exclusive GST.

This represents a cash difference of \$160,000 in favour of the City. Burando Hill PL have requested and suggested a compensatory allowance payable to them to compensate for past delays, future development delays, further rent paid at existing premises going forward while delays continue, extra development costs, and planning impositions due to the delay in the processing of their development application over Horwood Road.



This allowance represents \$45,000 providing a net cash payment difference to the City of \$115,000 plus GST. It is anticipated that the City in the future would seek to recover these costs from Main Roads WA when negotiations commence with them on future land acquisitions for the By-Pass route.

#### **INTEGRATED PLANNING LINKS:**

Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.2.1	Developing more efficient transport options that are secure and safe to sustain our lifestyle
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region
Title: Governance	Inclusive civic and community engagement and leadership
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.6	Supporting decisions to create a long term sustainable City
Strategy 5.2.7	Ensuring efficient and effective delivery of service

#### **REGIONAL OUTCOMES:**

By the City requiring Lot 22 Horwood Road the City would directly negotiate with Main Roads WA for suitable compensation for eventual acquisition for use of land to construct the proposed Webberton By-Pass. This outcome would allow Burando Hill PL to develop new premises over a larger area of land that may provide the stimulus to further activate the Boyd Street, Webberton locality with light industry development.

#### **RISK MANAGEMENT:**

A possibility of a compensation claim may be presented in any event, however it is considered that the City has acted in good faith and provided due diligence by disclosing the issues with the future proposed Webberton By-Pass route and any proposed development over the Horwood Road lot as per the lodged Development Application.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Council may determine to decline the land exchange and as a result be subject to payment of compensation to Burando Hill PL as advised. This option was not considered as in the best interests of the proponent or the City in achieving a positive outcome.

*Cr G Bylund declared a proximity interest in Item DCS305, Proposed Land Exchanged CGG and Burando Hill, as he is an adjacent land owner and left Chambers at 5.40pm.*

### **COUNCIL DECISION**

#### **MOVED CR TANTI, SECONDED CR DOUGLAS**

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

- 1. DISMISS the objecting submission;**
- 2. APPROVE the TRANSFER of Part Lot 122 Boyd Street, Webberton to Burando Hill PL in EXCHANGE for Lot 22 Horwood Road, Utaarra; and**
- 3. MAKE the determination subject to:**
  - a. That both Lots are free of any encumbrances over the titles; and**
  - b. The cash difference payable to the City by Burando Hill PL is agreed and set at \$115,000 plus GST.**

#### **CARRIED 9/2**

**5:41:20 PM**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>N/V</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. Mcllwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>YES</b>

*Cr Bylund returned to Chambers at 5.41pm*

**DCS306 LEASE – SUNSET BEACH HOLIDAY PARK - RESERVE 27317**

<b>AGENDA REFERENCE:</b>	<b>D-16- 62844</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp;Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>4 October 2016</b>
<b>FILE REFERENCE:</b>	<b>R27317</b>
<b>APPLICANT / PROPONENT:</b>	<b>Cojah Pty Ltd</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>A. Plan of Lease Area</b>

**EXECUTIVE SUMMARY:**

The Lessees of the Sunset Beach Holiday Park, Cojah Pty Ltd, have met with the City seeking approval to surrender their current leases and enter into new lease agreements to assist in the provision of long term financial security to their investment in their proposed development of the vacant land onsite and overall park refurbishment.

The purpose of this report is to seek Council's consent to surrender the current lease agreements and enter into new 35 year leases over Reserve 27317 Bosley Street, Sunset Beach.

**EXECUTIVE RECOMMENDATION:**

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

1. SURRENDER the current registered lease numbers L864422 and L864426;
2. ENTER into two new lease agreements with Cojah Pty Ltd over Crown Reserve 27317 Bosley Street, Sunset Beach;
3. MAKE the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands;
4. SET the conditions as follows:
  - a. the lease term is for a period of 35 years commencing 1 December 2016;
  - b. amendment to the managed coastal retreat area lease plan to reflect current coastal setbacks as identified in the Inundation and Coastal Processes Study;
  - c. commence the lease fee in line with the current lease fee payable on the 1 December each year;
  - d. the first lease fee review will be undertaken on 1 December 2018 and every three (3) years on the anniversary of the lease agreement thereafter;
5. ADVISE the lessee they are responsible for separately paying;
  - a. relevant building insurance and other insurances;
  - b. all applicable rates, taxes and other utilities;

- c. all legal and survey expenses associated with the preparation, execution and registration of the leases and surrender of the leases; and
6. REFER the matter back to Council for final consideration if any objecting submissions are received.

**PROPONENT:**

The proponent is Cojah Pty Ltd.

**BACKGROUND:**

The City of Greater Geraldton has a Management Order K985563 over Reserve 27317 Bosley Street, Sunset Beach for the purpose of Caravan Park and Parking with the Power to Lease for a period of up to 35 years.

Due to the risk of coastal erosion experienced along the northern foreshore area of Reserve 27317, two leases were issued concurrently commencing 1 December 2009. The first lease being for a 7056 hectares portion of the Reserve being the 'Managed Coastal Retreat Area' and the second lease being for a 5.7028 hectares portion of the Reserve being the 'Non-Managed Coastal Retreat Area'. The purpose of this is to give the Lessor (City) the power to issue the Lessee with a Deed of Surrender of Lease should it be determined in the Lessor's reasonable opinion the Premises become substantially affected by erosion.

The Lessees of the Sunset Beach Holiday Park, Cojah Pty Ltd, have met with the City seeking approval to surrender their current leases and enter into new lease agreements to enable them to achieve long term financial security to their investment in the proposed development of the vacant land onsite. Attachment No. DCS306 is attached with a plan showing the two lease areas.

The proposal is a projected additional 65 park home sites to operate under the Residential Parks (Long Stay Tenants) Act 2006 regulatory instrument and to design a contingency to offset any reduction in tourist sites due to coastal degradation. The project will also consist of relocation of existing frontage sites to the new development area and park refurbishment.

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

The proposed surrender and further term renewal of the lease will allow for the potential future development and upgrades to existing structures and new opportunities to develop new facilities over the full extent of the lease area that will include the undeveloped land area of 3.1 hectare.

The proposed developments will add increased value to the caravan park with increased availability of accommodation to support the City's tourism portfolio.

**Social:**

There are no social impacts.

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**Environmental:**

The environmental impacts relevant to the Sunset Beach Holiday Park lease are covered under the background section of the report. The facility is already a well-established caravan park.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

The City has existing leases for Crown Reserves with Management Orders vested in it with the power to lease for the purpose of caravan park operations.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation however pursuant to Section 3.58 of the Local Government Act, local public advertising inviting submissions will be conducted for a minimum of two weeks.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 details the process for “disposing” (in this case leasing) of property.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A current market valuation was conducted by licenced valuers Knight Frank on behalf of the City in January 2016. As a result of this, the current lease fee for the Sunset Beach Holiday Park is \$84,000 per annum exclusive of GST. To be in line with the current lease agreement, the next rent review is due 1 December 2018.

**INTEGRATED PLANNING LINKS:**

Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.1.1	Providing equity and choice in affordable and alternative housing to create urban village communities that will help to sustain our lifestyle
Strategy 4.1.2	Acknowledging the need for smaller, denser housing types to accommodate population growth and diverse household sizes
Strategy 4.3.3	Supporting new residents to join and grow our community
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

The risk of coastal erosion is covered within the existing lease with two separate leases. The first lease being for a 7056 hectares portion of the Reserve being

the 'Managed Coastal Retreat Area' and the second lease being for a 5.7028 hectares portion of the Reserve being the 'Non-Managed Coastal Retreat Area'.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

An option exists to not approve the surrender and new lease term extension requested however, this was seen as a negative approach as the proposed developments will add increased value to the caravan park with increased availability of accommodation to support the City's tourism portfolio therefore, this option was disregarded.

#### **COUNCIL DECISION**

#### **MOVED CR DOUGLAS, SECONDED CR REYMOND**

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

1. **SURRENDER** the current registered lease numbers L864422 and L864426;
2. **ENTER** into two new lease agreements with Cojah Pty Ltd over Crown Reserve 27317 Bosley Street, Sunset Beach;
3. **MAKE** the determination subject to:
  - c. advertising notice period of not less than 14 days inviting public submissions;
  - d. consent from the Minister for Lands;
4. **SET** the conditions as follows:
  - a. the lease term is for a period of 35 years commencing 1 December 2016;
  - b. amendment to the managed coastal retreat area lease plan to reflect current coastal setbacks as identified in the Inundation and Coastal Processes Study;
  - c. commence the lease fee in line with the current lease fee payable on the 1 December each year;
  - d. the first lease fee review will be undertaken on 1 December 2018 and every three (3) years on the anniversary of the lease agreement thereafter;
5. **ADVISE** the lessee they are responsible for separately paying:
  - a. relevant building insurance and other insurances;
  - b. all applicable rates, taxes and other utilities;
  - c. all legal and survey expenses associated with the preparation, execution and registration of the leases and surrender of the leases; and
6. **REFER** the matter back to Council for final consideration if any objecting submissions are received.

**CARRIED 12/0**

**5:43:15 PM**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	N/V

<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Mcllwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

<b>DCS307 PROPOSED ICE CREAM AND DESSERT KIOSK – FORESHORE RESERVE</b>
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<b>AGENDA REFERENCE:</b>	<b>D-16-69043</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land and Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>31 October 2016</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>ATTACHMENTS:</b>	<b>Yes (x5)</b>
	<b>A. Confidential (x4)</b>
	<b>B. Schedule of Submissions</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to grant a lease of 50m<sup>2</sup> portion of land on foreshore reserve 50100 for the purpose of a sea container 'Ice Cream and Dessert Kiosk'

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE a lease for portion of Crown Reserve 50100 comprising a land area of 50m<sup>2</sup> for the purpose of a sea container Ice Cream and Dessert Kiosk to Ms Karen Sanders;
2. MAKE the determination subject to:
  - a. Consent from the Minister for Lands;
3. SET the proposed conditions as:
  - a. enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) options (at the City's discretion) commencing 1 July 2017;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. conduct a current ground market valuation prior to any further term option to establish the lease fee;
  - d. set the commencement lease fee at \$8,225 plus GST per annum;
4. ADVISE the lessee they are responsible for separately paying:
  - a. all applicable rates, taxes and other utilities;
  - b. all costs associated with:
    - i. the preparation, execution and registration of the lease;
    - ii. survey plans of the lease area;
    - iii. all other costs associated with the lease; and
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container 'Ice Cream and Desert Kiosk' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area.

**PROPONENT:**

The proponent is Mrs Karen Sanders.

**BACKGROUND:**

Council at its meeting of the 27 September 2016 resolved the following:

1. *GIVE local public notice of the intent to lease a portion of Crown Reserve 50100 comprising a land area of 50m<sup>2</sup> for the purpose of a sea container Ice Cream and Dessert Kiosk to Ms Karen Sanders;*
2. *MAKE the determination subject to:*
  - a) *advertising notice period of not less than 14 days inviting public submissions;*
  - b) *consent from the Minister for Lands;*
3. *SET the proposed conditions as:*
  - a) *enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) commencing 1 November 2016;*
  - b) *adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;*
  - c) *conduct a current ground market valuation prior to any further term option to establish the lease fee;*
  - d) *set the commencement lease fee at \$8,225 plus GST per annum;*
4. *ADVISE the lessee they are responsible for separately paying; a) all applicable rates, taxes and other utilities; b) all costs associated with: i. the preparation, execution and registration of the lease; ii. survey plans of the lease area; iii. all other costs associated with the lease;*
5. *DELEGATE authority to the Chief Executive Officer to approve a design for the sea container 'Ice Cream and Desert Kiosk' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area; and*
6. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

Advertising of the proposed disposition occurred on the City website from 7 October 2016 to 28 October 2016. A public notice also appeared in the Geraldton Guardian on the 7 October 2016, 14 October 2016, 21 October 2016 and 28 October 2016 with submissions closing on the 28 October 2016 at 4.00pm. The notice was also displayed on the public notice board located at the Civic Centre.

The proponent has also requested to have the lease commence on the 1 July 2017 to enable design and development proposals to be put in place prior to going on site and be ready for the next September Holidays which is the season opener.

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

This proposal has the potential to offer a viable business opportunity for a local business looking for an opportunity to locate in a prime Geraldton location. Small businesses, such as this one could be operated from this site and will

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add to the economic vibrancy and vitality of our community in an area where they are currently lacking.

**Social:**

A small business, such as the Ice Cream and Desert Kiosk could enhance social quality of life by providing another meeting place for people, particularly those with young children using the playground and play areas in the vicinity.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

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

**RELEVANT PRECEDENTS:**

The City leases Crown Reserves for a variety of purposes consistent with the Management Order. The recent lease for the sea container 'Jaffle Shack' and Dome Café are located on a portion of the same reserve as is the former Rest Centre that is leased by the City for café and alfresco purposes.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Advertising of the proposed disposition occurred on the City website from 7 October 2016 to 28 October 2016. A public notice also appeared in the Geraldton Guardian on the 7 October 2016; 14 October 2016; 21 October 2016; and 28 October 2016 with submissions closing on the 28 October 2016 at 4.00pm.

At the closure of submissions, four objecting submissions were received and form part of the Schedule of Submissions – Attachment No. DCS307B.

The Individual submissions are attached as Confidential Attachment No. DCS307A.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 details the process for “disposing” (in this case leasing) of property.

The application for the proposed 'Ice Cream and Desert Kiosk' addresses the criteria and the objectives of Policy CPO39 – Foreshore Use & Development Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A commencement lease fee of \$8,225 plus GST which is exclusive of applicable Local Government rates and taxes and adjusted by CPI for Perth annually as at 1 July.

A current ground market valuation will be conducted prior to exercising the further term options to establish the lease fee.

**INTEGRATED PLANNING LINKS:**

Title: Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Social	A strong healthy community which is equitable, connected and cohesive
Strategy: 3.5.3	Promoting healthy lifestyle initiatives and living standards
Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region
Title: Governance	Inclusive civic and community engagement and leadership
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.6	Supporting decisions to create a long term sustainable City
Strategy 5.2.7	Ensuring efficient and effective delivery of service

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no consequent risks inherent in approving – or not approving – the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

The other option for consideration by Council is to not approve the lease and decline the proposal as submitted.

This option is not supported as the proposal has the potential to increase activation in this section of the foreshore and offer a product that would complement that already available in the area. The proposal in addition meets the requirements and the objectives of Policy CPO39 – Foreshore Use & Development Policy.

*Cr Reymond requested an amendment to the Motion to update point 5 to Instruct the CEO to manage the design process for the sea container 'Ice Cream and Desert Kiosk' and that the final design be returned to Council for final approval.*

**MOTION****MOVED CR REYMOND**

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

- 1. APPROVE a lease for portion of Crown Reserve 50100 comprising a land area of 50m<sup>2</sup> for the purpose of a sea container Ice Cream and Dessert Kiosk to Ms Karen Sanders;**
- 2. MAKE the determination subject to:**
  - a. Consent from the Minister for Lands;**
- 3. SET the proposed conditions as:**
  - a. enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) options (at the City's discretion) commencing 1 July 2017;**
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;**
  - c. conduct a current ground market valuation prior to any further term option to establish the lease fee;**
  - d. set the commencement lease fee at \$8,225 plus GST per annum;**
- 4. ADVISE the lessee they are responsible for separately paying;**
  - a. all applicable rates, taxes and other utilities;**
  - b. all costs associated with:**
    - i. the preparation, execution and registration of the lease;**
    - ii. survey plans of the lease area;**
    - iii. all other costs associated with the lease; and**
- 5. INSTRUCT the CEO to manage the design process for the sea container 'Ice Cream and Desert Kiosk' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area, and that the final design be returned to Council for final approval.**

**MOTION LAPSED DUE TO NO SECONDER**



**COUNCIL DECISION****MOVED CR GRAHAM, SECONDED CR THOMAS**

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

1. **APPROVE** a lease for portion of Crown Reserve 50100 comprising a land area of 50m<sup>2</sup> for the purpose of a sea container Ice Cream and Dessert Kiosk to Ms Karen Sanders;
2. **MAKE** the determination subject to:
  - a. Consent from the Minister for Lands;
3. **SET** the proposed conditions as:
  - a. enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) options (at the City's discretion) commencing 1 July 2017;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. conduct a current ground market valuation prior to any further term option to establish the lease fee;
  - d. set the commencement lease fee at \$8,225 plus GST per annum;
4. **ADVISE** the lessee they are responsible for separately paying:
  - a. all applicable rates, taxes and other utilities;
  - b. all costs associated with:
    - i. the preparation, execution and registration of the lease;
    - ii. survey plans of the lease area;
    - iii. all other costs associated with the lease; and
5. **DELEGATE** authority to the Chief Executive Officer to approve a design for the sea container 'Ice Cream and Desert Kiosk' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area.

**CARRIED 9/3**

**5:58:07 PM**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	NO
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	NO
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	NO
Cr. Reymond	YES
Cr. Mcllwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

**DCS308 PROPOSED HIRE SHACK – FORESHORE RESERVE**

<b>AGENDA REFERENCE:</b>	<b>D-16-69153</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>31 October 2016</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Confidential Submissions</b> <b>B. Schedule of Submissions</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to grant a lease of 30m<sup>2</sup> portion of land on foreshore reserve 50100 for the purposes of a sea container 'Hire Shack'.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE a lease for portion of Crown Reserve 50100 comprising a land area of 30m<sup>2</sup> for the purpose of a sea container Hire Shack to Mr Peter Berryman;
2. MAKE the determination subject to:
  - a. consent from the Minister for Lands;
3. SET the proposed conditions as:
  - a. enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) options (at the City's discretion) commencing 1 December 2016;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. conduct a current ground market valuation prior to any further term option to establish the lease fee;
  - d. set the commencement lease fee at \$4,935 plus GST per annum;
  - e. applicable approvals from the Department of Transport for gazetted waters usage;
  - f. appropriate water craft for emergency response being on hand at all times and available for use if required;
4. ADVISE the lessee they are responsible for separately paying:
  - a. all applicable rates, taxes and other utilities;
  - b. all costs associated with:
    - i. the preparation, execution and registration of the lease;
    - ii. survey plans of the lease area;
    - iii. all other costs associated with the lease; and
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container 'Hire Shack' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area.

**PROPONENT:**

The proponent is Mr Peter Berryman.

**BACKGROUND:**

Council at its meeting of the 27 September 2016 resolved the following:

1. *GIVE local public notice of the intent to lease a portion of Crown Reserve 50100 comprising a land area of 30m<sup>2</sup> for the purpose of a sea container Hire Shack to Mr Peter Berryman;*
2. *MAKE the determination subject to:*
  - a) *advertising notice period of not less than 14 days inviting public submissions;*
  - b) *consent from the Minister for Lands;*
3. *SET the proposed conditions as:*
  - a) *enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) commencing 1 November 2016;*
  - b) *adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;*
  - c) *conduct a current ground market valuation prior to any further term option to establish the lease fee;*
  - d) *set the commencement lease fee at \$4,935 plus GST per annum;*
  - e) *applicable approvals from the Department of Transport for gazetted waters usage;*
  - f) *appropriate water craft for emergency response being on hand at all times and available for use if required.*
4. *ADVISE the lessee they are responsible for separately paying; a) all applicable rates, taxes and other utilities; b) all costs associated with: i. the preparation, execution and registration of the lease; ii. survey plans of the lease area; iii. all other costs associated with the lease;*
5. *DELEGATE authority to the Chief Executive Officer to approve a design for the sea container 'Hire Shack' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area; and*
6. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

Advertising of the proposed disposition occurred on the City website from 7 October 2016 to 28 October 2016. A public notice also appeared in the Geraldton Guardian on the 7 October 2016; 14 October 2016; 21 October 2016; and 28 October 16 with submissions closing on the 28 October 2016 at 4.00pm. The notice was also displayed on the public notice board located at the Civic Centre.

At the conclusion of the advertising period, three objecting submissions were received. See Confidential Attachment No. DCS308A.

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

This proposal has the potential to offer a viable business opportunity for a local business looking for an opportunity to locate in a prime Geraldton location. Small businesses, such as this one could be operated from this site, and will

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add to the economic vibrancy and vitality of our community in an area where they are currently lacking.

**Social:**

A small business, such as the hire shack could enhance social quality of life by providing another meeting place for people, particularly those with young children using the playground and play areas in the vicinity and with this application the adjacent water.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural or heritage or indigenous impacts.

**RELEVANT PRECEDENTS:**

The City leases Crown Reserves for a variety of purposes consistent with the Management Order. The recent lease for the sea container 'Jaffle Shack' and Dome Café are located on a portion of the same reserve as is the former Rest Centre that is leased by the City for café' and alfresco purposes.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Advertising of the proposed disposition occurred on the City website from 7 October 2016 to 28 October 2016. A public notice also appeared in the Geraldton Guardian on the 7 October 2016; 14 October 2016; 21 October 2016; and 28 October 16 with submissions closing on the 28 October 2016 at 4.00pm.

At the closure of submissions, three objecting submissions were received and form part of the Schedule of Submissions – Attachment No. DCS308B.

**LEGISLATIVE/POLICY 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.*

The application for the proposed 'Hire Shack' addresses the criteria and the objectives of Policy CPO39 – Foreshore Use & Development Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

A commencement lease fee of \$4,935 plus GST which is exclusive of applicable Local Government rates and taxes and adjusted at CPI per annum as at 1 July for the first five-year term and the first further term option.

A current market valuation will be conducted prior to the further term options to establish the lease fee.

**INTEGRATED PLANNING LINKS:**

Title: Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Social	A strong healthy community which is equitable, connected and cohesive
Strategy: 3.5.3	Promoting healthy lifestyle initiatives and living standards
Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region
Title: Governance	Inclusive civic and community engagement and leadership
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.6	Supporting decisions to create a long term sustainable City
Strategy 5.2.7	Ensuring efficient and effective delivery of service

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

There are no consequent risks inherent in approving – or not approving – the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

The option for consideration by Council is to not approve the lease and decline the proposal as submitted. This is not supported as the proposal has the potential to increase activation in this section of the foreshore and offer a

product different to that already available in the area. The proposal in addition meets the requirements and the objectives of Policy CPO39 – Foreshore Use & Development Policy.

### **COUNCIL DECISION**

#### **MOVED CR GRAHAM, SECONDED CR FREER**

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

- 1. APPROVE a lease for portion of Crown Reserve 50100 comprising a land area of 30m<sup>2</sup> for the purpose of a sea container Hire Shack to Mr Peter Berryman;**
- 2. MAKE the determination subject to:**
  - a. consent from the Minister for Lands;**
- 3. SET the proposed conditions as:**
  - a. enter into a three (3) year lease agreement with two further term options of three (3) years (3+3+3) options (at the City's discretion) commencing 1 December 2016;**
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;**
  - c. conduct a current ground market valuation prior to any further term option to establish the lease fee;**
  - d. set the commencement lease fee at \$4,935 plus GST per annum;**
  - e. applicable approvals from the Department of Transport for gazetted waters usage;**
  - f. appropriate water craft for emergency response being on hand at all times and available for use if required;**
- 4. ADVISE the lessee they are responsible for separately paying:**
  - a. all applicable rates, taxes and other utilities;**
  - b. all costs associated with:**
    - i. the preparation, execution and registration of the lease;**
    - ii. survey plans of the lease area;**
    - iii. all other costs associated with the lease; and**
- 5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container 'Hire Shack' that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area.**

#### **CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

DCS309 PROPOSED LICENCE - ULTIMATE WATERSPORTS PL GERALDTON FORESHORE RESERVE
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<b>AGENDA REFERENCE:</b>	<b>D-16-69194</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land and Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>24 October 2016</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>A. Confidential – Proponent’s Submission</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to approve the intent to grant a licence to utilise the beach area on foreshore reserve 50100 for the purposes of commercial water sports activities.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 RESOLVES to:

1. GIVE local public notice of the intent to grant a licence for commercial water sport activities that will utilise portion of Crown Reserve 50100 to Ultimate Watersports Pty Ltd;
2. MAKE the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands; and
  - c. all operations and activities are conducted in accordance with Department of Transport relevant marine legislation;
3. SET the proposed conditions as:
  - a. enter into a one (1) year licence agreement;
  - b. commence the licence on as soon as practically possible;
  - c. set the licence fee at \$500 per annum inclusive GST;
4. ADVISE the licensee they are responsible for separately paying:
  - a. all applicable rates, taxes;
  - b. all costs associated with:
    - i. the preparation and execution of the licence; and
    - ii. all other costs associated with the licence;
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

**PROPONENT:**

The proponent is Ultimate Watersports Pty Ltd.

**BACKGROUND:**

The City has received a submission from Ultimate Watersports Pty Ltd to operate a business that will provide boat hire, tube rides, wakeboarding lessons and ride time in the area of Champion Bay adjacent to the area known as Geraldton Foreshore Reserve between the Esplanade and Forrest Street. The proponent has requested to operate from the beach area adjacent the Francis Street boat ramp and intends to initially erect a marquee as a sales and operations office to be later replaced with a box trailer. The location on the beach is required for safety and operational requirements. All boating trailers and vehicles will be parked in the boat area car park. The submission is attached as Confidential Attachment No. DCS309.

This activity intends to be a seasonal operation and all Ultimate Watersports property will be removed outside of operating hours.

The proposal is presented to Council for determination as the location requested lies in the area designated Geraldton foreshore – Francis Street groyne to Forrest street groyne and as such, falls under Policy CPO39 – Foreshore Use & Development Policy.

Vehicle access to the proposed area will be via the car park access area utilised by other boat users that launch from this area and immediately remove vehicle and trailer to car park.



The proponent has received approval from the Department of Transport providing that all operations and activities are conducted in accordance with the relevant marine legislation including all requirements of the Navigable Waters Regulations 1958 and the Western Australian Marine Act 1982, all gazetted speed restricted areas, boating prohibited areas, areas of 'restricted practices – freestyle driving, wave jumping and surfing' and commercial vessel survey and manning requirements.



The proponent has also received additional comment from Midwest Ports on the proposal and that advice provides no objection to the proposal providing that all activities are confined within the required gazetted boating areas.

The author considers that the proposal may meet with objections from the community, in particular families who utilise this area for beach activities with small children who may have a concern with the vehicle activity and water sport activity. The proposal also comes at a time that the Department of Transport is proposing to amend its water usage zones in this area.

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

#### **Economic:**

This proposal has the potential to offer a viable business opportunity for a local business looking for an opportunity to operate in a prime Geraldton location. Small businesses, such as this one may enhance tourism and add to the economic vibrancy and vitality of our community in this area.

#### **Social:**

A small business, providing the water based activities could enhance social quality of life by providing active recreation for people, particularly tourists.

#### **Environmental:**

This proposal may have environmental impacts upon the beach foreshore area being utilised as the continual vehicle movement will disturb the beach area.

#### **Cultural & Heritage:**

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

### **RELEVANT PRECEDENTS:**

The City provides licences for activities on Crown Reserves for a variety of purposes that are consistent with the uses under Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land and the Management Order.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

The proponent's submission was circulated by the Mayor to all Councillors for their information on the 7 October 2016.

### **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 18 of the Land Administration Act 1997 – **Crown land transactions that need Ministerial approval**

Section 18:

- (2) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown Land.*

The application for the proposed licence addresses the criteria and the objectives of Policy CPO39 – Foreshore Use & Development Policy and Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

#### **FINANCIAL AND RESOURCE IMPLICATIONS:**

A commencement licence fee of \$500 per annum inclusive of GST plus all other costs associated with the preparation and issue of the licence agreement.

This fee is in line with the Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land fee.

#### **INTEGRATED PLANNING LINKS:**

Title: Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Social	A strong healthy community which is equitable, connected and cohesive
Strategy: 3.5.3	Promoting healthy lifestyle initiatives and living standards
Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region
Title: Governance	Inclusive civic and community engagement and leadership
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.6	Supporting decisions to create a long term sustainable City
Strategy 5.2.7	Ensuring efficient and effective delivery of service

#### **REGIONAL OUTCOMES:**

There are no potential impacts, either positive or negative to regional outcomes.

#### **RISK MANAGEMENT:**

There are no consequent risks inherent in approving – or not approving – the recommendation.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

The option for consideration by Council is to not approve the licence and decline the proposal as submitted. This is not supported as the proposal has the potential to increase activation in this section of the foreshore and offer a product different to that already available in the area.

Alternatively, Council may select an alternative location for the activity.

The proposal in addition meets the requirements and the objectives of Policy CPO39 – Foreshore Use & Development Policy and complies with Local Planning Policy – Commercial Recreational Tourism Activity on Crown Land.

*Cr Reymond moved a resolution differing from the Executive Recommendation with a new Point 6 to limit the area on the foreshore proposed to be occupied not to be more than 25 sq mtrs and not to have trailer or car access.*

#### **MOTION**

#### **MOVED CR REYMOND, SECONDED CR CAUDWELL**

**That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 RESOLVES to:**

- 1. GIVE local public notice of the intent to grant a licence for commercial water sport activities that will utilise portion of Crown Reserve 50100 to Ultimate Watersports Pty Ltd;**
- 2. MAKE the determination subject to:**
  - a. advertising notice period of not less than 14 days inviting public submissions;**
  - b. consent from the Minister for Lands; and**
  - c. all operations and activities are conducted in accordance with Department of Transport relevant marine legislation;**
- 3. SET the proposed conditions as:**
  - a. enter into a one (1) year licence agreement;**
  - b. commence the licence on as soon as practically possible;**
  - c. set the licence fee at \$500 per annum inclusive GST;**
- 4. ADVISE the licensee they are responsible for separately paying:**
  - a. all applicable rates, taxes;**
  - b. all costs associated with:**
    - i. the preparation and execution of the licence;**
    - ii. all other costs associated with the licence;**
- 5. REFER the matter back to Council for final consideration if any objecting submissions are received; and**
- 6. LIMIT the area on the foreshore proposed to be occupied not to be more than 25 sq mtrs and not to have trailer or car access.**

*The Mayor moved an amendment to delete point 6 from the Motion.*

**AMENDMENT TO MOTION**  
**MOVED MAYOR, SECONDED CR BYLUND**  
 That Council delete point 6 from the Motion.

**CARRIED 11/1**  
**6:07:02 PM**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	NO
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

**COUNCIL DECISION**  
**MOVED CR TANTI, SECONDED CR CAUDWELL**  
 That Council by Simple Majority pursuant to Section 18 of the Land Administration Act 1997 RESOLVES to:

1. GIVE local public notice of the intent to grant a licence for commercial water sport activities that will utilise portion of Crown Reserve 50100 to Ultimate Watersports Pty Ltd;
2. MAKE the determination subject to:
  - a. advertising notice period of not less than 14 days inviting public submissions;
  - b. consent from the Minister for Lands; and
  - c. all operations and activities are conducted in accordance with Department of Transport relevant marine legislation;
3. SET the proposed conditions as:
  - a. enter into a one (1) year licence agreement;
  - b. commence the licence on as soon as practically possible;
  - c. set the licence fee at \$500 per annum inclusive GST;
4. ADVISE the licensee they are responsible for separately paying:
  - a. all applicable rates, taxes;
  - b. all costs associated with:
    - i. the preparation and execution of the licence;
    - ii. all other costs associated with the licence; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

**CARRIED 12/0**  
**6:09:39 PM**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

DCS310 PROPOSED ANIMAL MANAGEMENT FACILITY – ISSUE OF PTA LICENCE – PORTION OF RAILWAY RESERVE, BRADFORD STREET UTAKARRA
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<b>AGENDA REFERENCE:</b>	<b>D-16-69221</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>1 November 2016</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0076</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>A. Licence plan of site location</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is for Council to endorse the location and the issue of a licence with the Public Transport Authority (PTA) to occupy part railway reserve Bradford Street, Utakarra for the site development of the City's Animal Management Facility (AMF).

**EXECUTIVE RECOMMENDATION:**

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

1. ENDORSE the location of part railway reserve Bradford Street, Utakarra as the preferred location of the proposed Animal Management Facility;
2. ENTER into a LICENCE with the Public Transport Authority for an area of 7219m<sup>2</sup> over portion of railway reserve, Bradford Street, Utakarra;
3. SET the proposed conditions as:
  - a. That the term is for a period of 10 years commencing 1 December 2016;
  - b. That the PTA and the City of Greater Geraldton acknowledge that the PTA is in the process of rationalising the railway reserve land with the intent that this land be transferred to the City of Greater Geraldton when practicable;
  - c. The licence fee is \$1.00 per annum;
  - d. The licensee to pay preparation fees of \$350.00; and
4. APPROVE the co-location of the Geraldton Dog Rescue within the licence area, subject to the formalisation of a separate licence or lease.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The proposed AMF is a budgeted new works project for delivery this year.

City Executive have been presented a number of proposed options for the location and following all due diligence on all sites the use of part of the railway reserve corridor adjacent Bradford Street and Flores Road adjacent the PTA leased properties is now the preferred site of Executive Management Team (EMT).

Other sites considered were as follows:

- Flores Road – ex landfill site, however presents too many issues with building over contamination and obtaining approvals and clearance and becomes cost prohibitive;
- Meru – adjacent recycling facility; discounted due to location and suitability for best use of land;
- Davies Road – ex Shire of Greenough, used as an overflow or isolation facility from current Pass Street facility. Discounted due to current leasing tenure with SES and requirement to significantly change building scope due to existing buildings.

The location within the former railway reserve corridor adjacent to Bradford Street and Flores Road is shown on Attachment No. DCS310.

The City has received formal written approval from the PTA to occupy the railway corridor and have given consent to issue a licence over the land for a period of 10 years at peppercorn rental. PTA have indicated that a clause will be inserted in the licence that will indicate that both PTA & the City of Greater Geraldton acknowledge that the PTA is in the process of rationalising the land with the intent that this land be transferred to the City of Greater Geraldton when practicable.

The developed site will allow within the overall design all abandoned vehicles and livestock within a compound. This site has appeal in that it is central for ranger operations and for the community.

City staff have held discussions with the Geraldton Dog Rescue who initially approached the City seeking use of any available land that the City may have to enable them to establish their dog rescue operations. An offer to that group of establishing themselves adjacent to the AMF has been warmly accepted and as such will commence operations from the current Pass Street pound facility following that being relocated to site and appropriately made good for their activities.

Planning and architectural concept design is well advanced and statutory servicing arrangements are in discussion phase with relevant bodies.

## **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.

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**Environmental:**

There are no known environmental issues with this proposal for use of the former rail corridor.

**Cultural & Heritage:**

The portion of corridor from Place Road (South) through to this subject site does have heritage interpretation value especially around the former Wonthella rail site and the recognised heritage trees.

The development and design of the AMF will take into consideration the heritage interpretation requirements and will also offer an opportunity to remedy some of the long term drainage issues in this area and may be accommodated in accordance with a landscape/interpretation plan for the area.

**RELEVANT PRECEDENTS:**

The City has in existence land leasing and licence arrangements with the Crown and PTA.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Formal approval from PTA for use of the subject corridor and location has been received. The Geraldton Dog Rescue have also been included in early planning for their considered inclusion.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The relevant reference is Section 3.58 of the Local Government Act 1995.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The license fee payable to PTA by the City is \$1.00 per annum. In addition, the City is responsible for the payment of \$350.00 licence preparation fee.

**INTEGRATED PLANNING LINKS:**

Title: Environment	A sustainable built form and natural environment
Strategy 2.2.2	Delivering projects utilising best practice to ensure timely, cost effective and quality outcomes.
Title: Governance	Inclusive civic and community engagement and leadership
Strategy 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.6	Supporting decisions to create a long term sustainable City
Strategy 5.2.7	Ensuring efficient and effective delivery of service

**REGIONAL OUTCOMES:**

There are no potential impacts, either positive or negative to regional outcomes.



**RISK MANAGEMENT**

There is risk associated with delay in the commencement of the AMF if the recommendation is not supported by Council.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

It is considered that there are no alternative options for the site location of the AMF due to land availability and it is considered that due diligence of sites has been completed and the recommended site is the best option.

*Cr S Douglas declared an impartiality interest in Item DCS310, Proposed Animal Management Facility, as his wife is a volunteer with Dog Rescue and left Chambers at 6.10pm*

**COUNCIL DECISION****MOVED CR GRAHAM, SECONDED CR TANTI**

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

1. **ENDORSE** the location of part railway reserve Bradford Street, Utakarra as the preferred location of the proposed Animal Management Facility;
2. **ENTER** into a **LICENCE** with the Public Transport Authority for an area of 7219m<sup>2</sup> over portion of railway reserve, Bradford Street, Utakarra;
3. **SET** the proposed conditions as:
  - a. That the term is for a period of 10 years commencing 1 December 2016;
  - b. That the PTA and the City of Greater Geraldton acknowledge that the PTA is in the process of rationalising the railway reserve land with the intent that this land be transferred to the City of Greater Geraldton when practicable;
  - c. The licence fee is \$1.00 per annum;
  - d. The licensee to pay preparation fees of \$350.00; and
4. **APPROVE** the co-location of the Geraldton Dog Rescue within the licence area, subject to the formalisation of a separate licence or lease

*Cr Graham requested to withdraw this motion if it approves the storage of vehicles.*

*The seconder, Cr Tanti, did not consent to withdraw the Motion, therefore the motion remains.*

*Cr Graham Foreshadowed an amended motion to add a Point 5 to remove reference to the vehicle storage in the area from the Executive Report.*

**LOST 6/5**  
**6:18:27 PM**

Mayor Van Styn	YES
Cr. Douglas	N/V
Cr. Bylund	NO
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	NO
Cr. Critch	YES
Cr. Graham	NO
Cr. Tanti	YES
Cr. Reymond	NO
Cr. Mcllwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	NO
Cr. Thomas	NO

*As per Local Government (Administration) Regulations 1996 Section 10(2), the Mayor advised Council that they could consider Cr Graham's foreshadowed motion by Absolute Majority.*

**PROCEDURAL MOTION**

**MOVED MAYOR, SECONDED CR THOMAS**

**That Council by Absolute Majority RESOLVES to CONSIDER the motion as foreshadowed by Cr Graham**

**CARRIED BY ABSOLUTE MAJORITY 9/2**

**6:21:19 PM**

Mayor Van Styn	YES
Cr. Douglas	N/V
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	NO
Cr. Mcllwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	NO
Cr. Thomas	YES

**MOTION****MOVED CR GRAHAM, SECONDED CR HALL**

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

1. **ENDORSE** the location of part railway reserve Bradford Street, UtaKarra as the preferred location of the proposed Animal Management Facility;
2. **ENTER** into a LICENCE with the Public Transport Authority for an area of 7219m<sup>2</sup> over portion of railway reserve, Bradford Street, UtaKarra;
3. **SET** the proposed conditions as:
  - a. That the term is for a period of 10 years commencing 1 December 2016;
  - b. That the PTA and the City of Greater Geraldton acknowledge that the PTA is in the process of rationalising the railway reserve land with the intent that this land be transferred to the City of Greater Geraldton when practicable;
  - c. The licence fee is \$1.00 per annum;
  - d. The licensee to pay preparation fees of \$350.00;
4. **APPROVE** the co-location of the Geraldton Dog Rescue within the licence area, subject to the formalisation of a separate licence or lease; and
5. **REMOVE** reference to the vehicle storage in the Executive Report.

*The reference to the vehicle storage cannot be removed from the Executive Report, therefore point 5 was changed, with the Mover and Secunder consent, to NOT approve the storage of abandoned vehicles on this site*

**MOTION****MOVED CR BYLUND, SECONDED CR HALL**

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

1. **ENDORSE** the location of part railway reserve Bradford Street, UtaKarra as the preferred location of the proposed Animal Management Facility;
2. **ENTER** into a LICENCE with the Public Transport Authority for an area of 7219m<sup>2</sup> over portion of railway reserve, Bradford Street, UtaKarra;
3. **SET** the proposed conditions as:
  - a. That the term is for a period of 10 years commencing 1 December 2016;
  - b. That the PTA and the City of Greater Geraldton acknowledge that the PTA is in the process of rationalising the railway reserve land with the intent that this land be transferred to the City of Greater Geraldton when practicable;
  - c. The licence fee is \$1.00 per annum;

- d. The licensee to pay preparation fees of \$350.00;
4. **APPROVE** the co-location of the Geraldton Dog Rescue within the licence area, subject to the formalisation of a separate licence or lease; and
  5. **NOT** approve the storage of abandoned vehicles on this site.

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:** As the stated in the recommendation with the exception of permitting the storage of abandoned vehicles.

**PROCEDURAL MOTION**

**MOVED CR THOMAS, SECONDED CR FREER**

That Council **RESOLVES** to **DEFER** this item to the next meeting

**CARRIED 10/1**

**6:33:50 PM**

Mayor Van Styn	YES
Cr. Douglas	N/V
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	NO
Cr. Reymond	YES
Cr. Mcllwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

*Cr Douglas returned to Chambers at 6.34pm*

DCS311 LEASE – THE MOONYOONOOKA POLOCROSSE CLUB INCORPORATED PORTION OF RESERVE 9021
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<b>AGENDA REFERENCE:</b>	<b>D-16-70005</b>
<b>AUTHOR:</b>	<b>A Eastough, Acquisitions &amp; Disposals Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>31 October 2016</b>
<b>FILE REFERENCE:</b>	<b>R9021 &amp; A61246</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The Moonyoonooka Polocrosse Club Incorporated has written to the City requesting to enter into a lease agreement to formalise their tenure over three separate portions of Crown Reserve 9021 known as the Moonyoonooka Recreation Ground.

The purpose of this report is to seek Council's consent to enter into a 21 year land lease over portion of the Reserve.

**EXECUTIVE RECOMMENDATION:**

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

1. TRANSFER the building asset known as the Clubrooms to the Moonyoonooka Polocrosse Club Incorporated;
2. ENTER into a land lease agreement with the Moonyoonooka Polocrosse Club Incorporated for portion of Reserve 9021;
3. SET the conditions as follows:
  - a. enter into a 21 year lease agreement commencing 1 January 2017;
  - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
4. MAKE the determination subject to consent from the Minister for Lands;
5. ADVISE the lessee they are responsible for separately paying:
  - a. relevant building insurance and other insurances;
  - b. all applicable rates, taxes and other utilities; and
  - c. legal and survey expenses associated with the preparation, execution and registration of the lease.

**PROPONENT:**

The proponent is the Moonyoonooka Polocrosse Club Incorporated.

**BACKGROUND:**

Reserve 9021 is vested in the City of Greater Geraldton by way of a Management Order for the purpose of Racecourse, Polo and Recreation Ground with the power to lease for up to 21 years with Ministerial Consent.

The former Shire of Greenough established the infrastructure on the grounds for the Moonyoonooka Polocrosse Club and the Moonyoonooka Horse and Pony Club. The Clubs formed part of a Management Agreement over the Grounds, which expired in 2009.

Since that time, the Clubs have continued to operate on an informal arrangement. Whilst under this arrangement, the City remains responsible for the buildings, the Moonyoonooka Polocrosse Club have been proactive in the general maintenance and up keep of the infrastructure.

The City has been in consultation with the Clubs and as a result Moonyoonooka Polocrosse Club have confirmed that they wish to formalise a lease agreement for three separate portions of Reserve 9021 for the purpose of a Clubhouse and future horse stables. The City is continuing negotiations with the Moonyoonooka Horse and Pony Club.



Above is an indicative map of the proposed leased areas for the Moonyoonooka Polocrosse Club.

Please note this map is for information only, as the final survey is yet to be finalised at the time of this report.

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

##### **Economic:**

There are no economic impacts.

**Social:**

The recent Sporting Club Facilities Review placed the Moonyoonooka Recreation Ground as a Tier 2 facility. The Moonyoonooka Polocrosse Club provides a strong social and sporting culture for members and the community.

**Environmental:**

There are no environmental impacts with this proposal as the Club is well established on the Reserve.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

The City leases portions of Crown Reserves to community organisations for a variety of recreational purposes in line with the relevant Management Orders.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Staff have been in consultation with the Moonyoonooka Polocrosse Club Incorporated.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.58 of the Local Government Act 1995 details the process “disposing” (in this case leasing) of property.

Regulation 30 of the Local Government Functions and General Regulations describes dispositions of property excluded from Section 3.58 of the Local Government Act 1995 for recreational, sporting and other like nature organisations.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The lease fee is set by the City of Greater Geraldton Schedule of Fees and Charges adopted by Council and reviewed annually. The commencement lease fee for 2015/16 is \$392.00 per annum inclusive of GST.

**INTEGRATED PLANNING LINKS:**

Title: Social	Sport and Recreation
Strategy 3.1.1	Supporting the strong sporting culture that has shaped Greater Geraldton’s identity and lifestyle

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no identified risk management issues with this report.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The other option for consideration by Council is to not approve the lease but this option is not supported as the Club have the potential to increase activation in the area and provide a stable future to the increasing membership.

**COUNCIL DECISION****MOVED CR HALL, SECONDED CR REYMOND**

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

1. **TRANSFER** the building asset known as the Clubrooms to the Moonyoonooka Polocrosse Club Incorporated;
2. **ENTER** into a land lease agreement with the Moonyoonooka Polocrosse Club Incorporated for portion of Reserve 9021;
3. **SET** the conditions as follows:
  - a. enter into a 21 year lease agreement commencing 1 January 2017;
  - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
4. **MAKE** the determination subject to consent from the Minister for Lands;
5. **ADVISE** the lessee they are responsible for separately paying:
  - a. relevant building insurance and other insurances;
  - b. all applicable rates, taxes and other utilities; and
  - c. legal and survey expenses associated with the preparation, execution and registration of the lease.

**CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*



## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

<b>CCS218 2017 EXTENDED RETAIL TRADING HOURS PACKAGE</b>
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<b>AGENDA REFERENCE:</b>	<b>D-16-69513</b>
<b>AUTHOR:</b>	<b>HJ Davis, Economic Development Officer</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>2 November 2016</b>
<b>FILE REFERENCE:</b>	<b>ED/3/003/02</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Trading Hours 2017 – Major Retailers</b> <b>B. Trading Hours 2017 – MWCCI</b>

### EXECUTIVE SUMMARY:

This report seeks Council's endorsement of proposed extensions to retail trading hours for 2017.

### EXECUTIVE RECOMMENDATION:

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

1. ADOPT the following package of extensions to the City of Greater Geraldton during the calendar year of 2017:
  - a. Easter Monday, 17 April 2017 10am - 5pm;
  - b. Anzac Day, Tuesday 25 April 2017 10am - 5pm;
  - c. Monday, 5 June 2017 8am - 6pm
  - d. Monday, 25 September 2017 8am - 6pm
  - e. Sunday, 10 December 2017 8am - 5pm;
  - f. Sunday, 17 December 2017 8am - 5pm;
  - g. Friday, 22 December 2017 8am - 9pm;
  - h. Sunday, 24 December 2017 8am - 5pm; and
2. SEEK approval from the Minister for Commerce to adopt the package of extensions to retail trading hours in point (1) above.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

#### Major Retailers Position

Northgate Shopping Centre, Goodguys Geraldton, Woolworths Geraldton and Vicinity Centres wrote to the City (see Attachment A) suggesting the following extensions to trading hours be adopted for the full year of 2017:

#### Public Holidays (except Christmas and New Year Season)

Australia Day, Thursday, 26 January 2017	10am - 4pm
Labour Day, Monday, 6 March 2017	8am - 6pm
Easter Monday, 17 April 2017	8am - 6pm
Anzac Day, Tuesday 25 April 2017	12pm – 4pm
WA Day, Monday 5 June 2017	8am – 6pm

Queen's Birthday, Monday 25 September 2017 8am – 6pm

**Christmas and New Year Season**

Monday, 2 January 2017	10am – 4pm
Sunday, 3 December 2017	10am – 4pm
Sunday, 10 December 2017	8am – 5pm
Sunday, 17 December 2017	8am – 5pm
Friday, 22 December 2017	6pm – 9pm
Sunday, 24 December 2017	8am – 5pm
Boxing Day, Tuesday 26 December 2017	10am – 4pm
Sunday, 31 December 2017	8am – 5pm
New Year's Day, Monday, 1 January 2018	8am – 6pm

**Sunday Extended Trading Hours**

Sunday, 16 April 2017	10am – 4pm
Sunday, 23 April 2017	10am – 4pm
Sunday, 4 June 2017	10am – 4pm
Sunday, 24 September 2017	10am – 4pm

**Midwest Chamber of Commerce & Industry Position**

Feedback was sought from the Midwest Chamber of Commerce and Industry (MWCCI), on the extended retail trading hours suggested above.

The MWCCI advised the City (see Attachment B), that the only retail hour extensions supported are the following:

Sunday, 10 December 2017	8am – 5pm
Sunday, 17 December 2017	8am – 5pm
Friday, 22 December 2017	6pm – 9pm
Sunday, 24 December 2017	8am – 5pm

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

**Economic:**

Opening retail outlets for the additional hours may have the following economic impacts:

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

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

**Social:**

There are no significant social impacts.

**Environmental:**

There are no significant environmental impacts.

**Cultural & Heritage:**

There are no significant cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

A precedent was set in 2009, by Council adopting a package of trading hours that was a compromise between recommendations from the Department of Commerce (DOP), MWCCI, Federation Stirlings Central, Northgate Shopping Centre and Spotlight Centre.

This practice has continued in subsequent years.

**2009** adopted package for the full year:

Sunday, 13 Dec 2009	10am	5pm
Sunday, 20 Dec 2009	10am	5pm
Wednesday, 23 Dec 2009	8am	9pm
Thursday, 24 Dec 2009	8am	6pm
Sunday, 27 Dec 2009	10am	5pm*
Tuesday, 29 Dec 2009	8am	9pm*
Wednesday, 30 Dec 2009	8am	9pm*
Thursday, 31 Dec 2009	8am	6pm*
Sunday, 3 Jan 2010	10am	5pm*

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

**2010** adopted package for the full year:

Sunday, 12 Dec 2010	10am	5pm
Sunday, 19 Dec 2010	10am	5pm
Monday, 20 Dec 2010	8am	9pm
Tuesday, 21 Dec 2010	8am	9pm
Wednesday, 22 Dec 2010	8am	9pm
Friday, 24 Dec 2010	8am	6pm
Tuesday, 28 Dec 2010 (public holiday)	8am	5pm

**2011** adopted package for the full year:

Tuesday, 26 April 2011	9am	5pm
Sunday, 11 December 2011	10am	4pm
Sunday, 18 December 2011	10am	4pm
Friday, 23 December 2011	8am	9pm
Tuesday, 27 December 2011 (Boxing Day, Public Holiday)	8am	5pm

**2012** adopted package for the full year:

Sunday, 16 December 2012	10am	4pm
Friday, 21 December 2012	8am	9pm
Sunday, 23 December 2012	10am	4pm

**2013** adopted package for the full year:

Monday, 28 January 2013 (Australia Day)	9am	5pm
Monday, 1 April 2013 (Easter Monday)	10am	4pm
Sunday, 15 December 2013	10am	4pm
Sunday, 22 December 2013	10am	4pm
Monday, 23 December 2013	8am	9pm

**2014** adopted package for the full year:

Sunday, 14 December 2014	10am	4pm
Friday, 19 December 2014	10am	4pm
Sunday, 21 December 2014	10am	4pm
Monday, 22 December 2014	8am	9pm
Tuesday, 23 December 2014	8am	9pm

**2015** adopted package for the full year:

Easter Monday, 6 April 2015	10am	5pm
Anzac Monday, 27 April 2015	10am	5pm
Sunday, 13 December 2015	10am	4pm
Sunday, 20 December 2015	10am	4pm
Monday, 21 December 2015	6pm	9pm
Tuesday, 22 December 2015	6pm	9pm
Wednesday, 23 December 2015	6pm	9pm

**2016** adopted package for the full year:

Easter Monday 28 March 2016	10am	5pm
Sunday, 11 December 2016	10am	3pm
Sunday, 18 December 2016	10am	3pm
Wednesday, 21 December 2016	6pm	8pm
Friday, 23 December 2016	6pm	9pm

**COMMUNITY/COUNCILLOR CONSULTATION:**

Upon receipt of the application letters from Northgate Shopping Centre, Goodguys, Woolworths Geraldton and Vicinity Centres, the MWCCI were invited to provide comment on the proposals submitted. The MWCCI have responded by conducting a survey with members and submitted their response (Attachment B) for consideration. There has been no broader community consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 12(E), Variation of Trading Hours of the *Retail Trading Hours Act 1987* applies to this matter.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Title: Economy	Lifestyle and Vibrancy
Strategy 4.1.3	Revitalising the CBD through economic, social and cultural vibrancy

**REGIONAL OUTCOMES:**

Opening the additional hours will allow Visitors including Tourists, and Residents from townships and rural areas in the surrounding region, increased opportunity to spend within the City of Greater Geraldton retail sector.

**RISK MANAGEMENT**

There are no significant risk exposures requiring mitigation by the City.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

Extended trading hours do not oblige retailers to trade. Whether or not they choose to trade is at the discretion of operators. The package suggested by the MWCCI offers too few opportunities for traders to exercise their discretion to trade additional hours during the full year of 2017. The MWCCI suggestions are considered too constraining, are out of step with trading hour reforms in other significant coastal destinations such as Bunbury, and do not reflect the preferred position of the larger Retail Employers in the City for extended trading hours. Constrained trading hours cause continuing reputational damage to Geraldton by perpetuating the image of a town 'closed for business'. This image deters Tourists and other Visitors from considering Geraldton as a favourable destination. Hence the City, as in previous years, believes that trading hour extensions, beyond those suggested by the MWCCI, should be pursued.

The more extensive trading hour extensions sought by the Northgate Shopping Centre, Goodguys, Woolworths Geraldton and Vicinity Centres, are attractive in the context of City aspirations to transform, diversify and grow the local economy. Constrained trading hours continue to deter consideration by major retail groups of Geraldton as a site for a major Discount Department Store, desired by a significant proportion of the community.

The City is conscious of prevailing economic circumstances confronting local retailers and small businesses, and there is room for the view that timing is not right for radical changes to retail trading hours in 2017. However, at very least, modest trading hour extensions, beyond those suggested by the MWCCI, should be pursued.

Based on precedents, the Executive recommendation is a compromise between the packages suggested respectively by the MWCCI and the larger retailers.

The City notes that more extensive reform to trading hours is likely to be achievable in future, with easing of the downturn currently impacting the State and the Midwest region, when stronger levels of economic activity return. The City is aware of and applauds active consideration by MWCCI retail members of initiatives exploring reforms to retail trading hours in the City.

*To reiterate: all retailers are able to exercise their individual discretion regarding whether or not to trade during extended retail shopping hours.*

*Cr L Freer declared a proximity interest in Item CCS218 2017 Extended Trading Hours, as employed by one of the mentioned major retailers, but remained in Chambers*

### **COUNCIL DECISION**

#### **MOVED CR DOUGLAS, SECONDED CR REYMOND**

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

1. **ADOPT** the following package of extensions to the City of Greater Geraldton during the calendar year of 2017:
  - a. Easter Monday, 17 April 2017                      10am - 5pm;
  - b. Anzac Day, Tuesday 25 April 2017              10am - 5pm;
  - c. Monday, 5 June 2017                                8am - 6pm
  - d. Monday, 25 September 2017                      8am - 6pm
  - e. Sunday, 10 December 2017                        8am - 5pm;
  - f. Sunday, 17 December 2017                        8am - 5pm;
  - g. Friday, 22 December 2017                        8am - 9pm;
  - h. Sunday, 24 December 2017                        8am - 5pm;
2. **SEEK** approval from the Minister for Commerce to adopt the package of extensions to retail trading hours in point (1) above; and
3. **EXPLORE** options to extend retail trading hours to accommodate major events including cruise ship visits should they fall outside the hours set in point 1.

#### **CARRIED 12/0**

**6:40:01 PM**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: To address the issues of businesses not being open during cruise ship visits.**

<b>CCS219 RATES EXEMPTION – COMMUNITY HOUSING LTD</b>
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<b>AGENDA REFERENCE:</b>	<b>D-16-69538</b>
<b>AUTHOR:</b>	<b>S Russell, Senior Rates Coordinator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>26 October 2016</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Community Housing Ltd</b>
	<b>B. Community Housing Properties</b>

**EXECUTIVE SUMMARY:**

Community Housing Ltd have submitted 22 applications for rates exemption to Council for the properties listed on the attached list to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the *Local Government Act 1995* (LGA) (being land used exclusively for charitable purposes) and therefore exempt from paying rates.

**EXECUTIVE RECOMMENDATION;**

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

1. APPROVE a rates exemption for Community Housing Ltd on the properties situated at:
  - a. A15159 – 278A Fifth Street, Wonthella
  - b. A15260 – 283 Seventh Street, Wonthella
  - c. A19787 – 15 Broadbank Lane, Beachlands
  - d. A19812 – 144 Fraser Street, Beachlands
  - e. A66247 – 11A Sandalwood Court, Mt Tarcoola
  - f. A70920 – 14 Glenfin Street, Utakarra
  - g. A70929 – 5 Glenfin Street, Utakarra
  - h. A70940 – 20 Lifford Street, Utakarra
  - i. A70948 – 14 Lifford Street, Utakarra
  - j. A7596 – 6 Antonia Way, Webberton
  - k. A8304 – 3 Dampier Street, Beachlands
 on the basis that the properties are being used exclusively for a charitable purpose;
2. EXEMPTION to take effect from the 1st July 2016; and
3. REJECT a rates exemption for Community Housing Ltd on the properties situated at:
  - a. A20176 – 73 Waverley Street, Mt Tarcoola
  - b. A15842 – 30 & 32 Wells Street, Geraldton
  - c. A12394 – 28 Bennett Street, Spalding
  - d. A12406 – 78 Green Street, Spalding
  - e. A12391 – 3 Heal Close, Spalding
  - f. A12393 – 26A & 26B Bennett Street, Spalding
  - g. A17321 – 51 Abelia Street, Rangeway

- h. A16667 – 81 Scott Road, Rangeway
  - i. A71229 – 17 Glenfin Street, Utakarra
  - j. A71232 – 22 Brockagh Drive, Utakarra
  - k. A71225 – 31 Brockagh Drive, Utakarra
- on the basis that the properties are not being used exclusively for a charitable purpose.

**PROPONENT:**

The proponent is Community Housing Ltd.

**BACKGROUND:**

The City has received 22 applications for rates exemption under Section 6.26(2)(g) of the Local Government Act being land used exclusively for charitable purposes. A number of these properties are freehold tenure in the name of Community Housing Limited with others being leased from the Housing Authority for a peppercorn lease to be sublet to specific target groups such as people with disabilities referred by the Mental Health Commission, people exiting drug and alcohol rehabilitation and women escaping domestic violence and for the provision of housing for the relief of the aged 55+ on low to middle income with the maximum rent charged being 25% of their household income.

On the basis of this it has been evaluated that 11 of these properties have met the requirements of Section 6.26(2)(g) of the Local Government Act as land used exclusively for a charitable purpose. It is considered that crisis accommodation, disability housing and accommodation for the aged are all uses which are considered a charitable purpose and is a purpose beneficial to the public.

The land use of the remaining 11 applications for rates exemption is to provide social housing for residential use to people on low to middle incomes on the General Joint Wait List.

The recommendation to Reject these applications was based on an inquiry by the Local Government Advisory Board into the operation of the provisions of the Local Government Act relating to rating of land used for charitable purposes which addressed Community Housing in Section 6.1.3.4.

The types of community housing provided was grouped into 3 categories being Crisis Accommodation, Disability Housing and Other Housing. It was considered crisis accommodation and disability housing should be rate exempt. However, given that people on low to moderate incomes who own their own homes are required to pay rates, it would be unfair that Community Housing provided to people in similar financial circumstances should be exempted from being rated. For equity and fairness, it is considered these properties are not used for a charitable purpose and should be rated.



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

There are no economic impacts.

**Social:**

There are no social impacts.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

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

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

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

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

- (a) within the spirit and intendment of the Preamble to the Statute Elizabeth 1; and
- (b) for the public benefit.

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

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

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**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The value of the exemption for the 2016/2017 financial year is estimated to be \$39,735.67.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

Council by not approving the application for rate exemption may be required to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and that legal costs may be incurred as a result.

**ALTERNATIVE OPTIONS CONSIDERED**

Originally the whole 22 properties were considered for a rates exemption, however due to the principle that it is ‘land use’, not the claimant that is being assessed, it was determined that the use for each of these properties was different and each application was assessed on the category of tenant the accommodation was provided for.

*Cr B Hall declared an impartiality interest in Item CCS219, Rates Exemption Community Housing. His son and wife and children live in Glenfin Street, 3 of homes mentioned in the application and left Chambers at 6.40pm.*

**COUNCIL DECISION****MOVED CR TANTI, SECONDED CR GRAHAM**

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

1. **APPROVE** a rates exemption for Community Housing Ltd on the properties situated at:
  - a. A15159 – 278A Fifth Street, Wonthella
  - b. A15260 – 283 Seventh Street, Wonthella
  - c. A19787 – 15 Broadbank Lane, Beachlands
  - d. A19812 – 144 Fraser Street, Beachlands
  - e. A66247 – 11A Sandalwood Court, Mt Tarcoola
  - f. A70920 – 14 Glenfin Street, Utakarra
  - g. A70929 – 5 Glenfin Street, Utakarra
  - h. A70940 – 20 Lifford Street, Utakarra

- i. A70948 – 14 Lifford Street, Utakarra  
 j. A7596 – 6 Antonia Way, Webberton  
 k. A8304 – 3 Dampier Street, Beachlands  
 on the basis that the properties are being used exclusively for a charitable purpose;
2. EXEMPTION to take effect from the 1st July 2016; and
3. REJECT a rates exemption for Community Housing Ltd on the properties situated at:
- a. A20176 – 73 Waverley Street, Mt Tarcoola  
 b. A15842 – 30 & 32 Wells Street, Geraldton  
 c. A12394 – 28 Bennett Street, Spalding  
 d. A12406 – 78 Green Street, Spalding  
 e. A12391 – 3 Heal Close, Spalding  
 f. A12393 – 26A & 26B Bennett Street, Spalding  
 g. A17321 – 51 Abelia Street, Rangeway  
 h. A16667 – 81 Scott Road, Rangeway  
 i. A71229 – 17 Glenfin Street, Utakarra  
 j. A71232 – 22 Brockagh Drive, Utakarra  
 k. A71225 – 31 Brockagh Drive, Utakarra  
 on the basis that the properties are not being used exclusively for a charitable purpose.

**CARRIED 7/4**  
**6:52:59 PM**

Mayor Van Styn	NO
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	N/V
Cr. Critch	NO
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	NO
Cr. Colliver	NO
Cr. Caudwell	YES
Cr. Thomas	YES

**PROCEDURAL MOTION**  
**MOVED CR CAUDWELL, SECONDED CR BYLUND**  
**That Council take a short break at 6.55pm.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

**PROCEDURAL MOTION**  
**MOVED MAYOR, SECONDED CR GRAHAM**  
**That Council resume the Meeting at 7.01pm.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

<b>CCS221 RATES EXEMPTION – BUNDIYARRA ABORIGINAL COMMUNITY (ABORIGINAL CORPORATION)</b>
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<b>AGENDA REFERENCE:</b>	<b>D-16-69576</b>
<b>AUTHOR:</b>	<b>S Russell, Senior Rates Coordinator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>2 November 2016</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b> <b>A. Bundiyarra Aboriginal Community</b> <b>B. Application for Rates Exemption</b>

**EXECUTIVE SUMMARY:**

Bundiyarra Aboriginal Community (Aboriginal Corporation) have submitted an application for rates exemption to Council for the hall on Lot 1652 (163) Fraser Street, Beachlands to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the *Local Government Act 1995* ("LGA") (being land used exclusively for charitable purposes) and therefore exempt from paying rates.

**EXECUTIVE RECOMMENDATION;**

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

1. APPROVE a rates exemption for Bundiyarra Aboriginal Community (Aboriginal Corporation) on the property situated at Lot 1652 (163) Fraser Street, Beachlands on the basis that the properties are being used exclusively for a charitable purpose; and
2. EXEMPTION to take effect from the 1 July 2016.

**PROPONENT:**

The proponent is Bundiyarra Aboriginal Community (Aboriginal Corporation).

**BACKGROUND:**

The City has received an application for rates exemption under Section 6.26(2)(g) of the Local Government Act being land used exclusively for charitable purposes.

Bundiyarra Aboriginal Community (Aboriginal Corporation) is a not for profit benevolent organisation which acts as the "umbrella body" for Aboriginal organisations in the Geraldton and surrounding areas providing services and support within its community.

The hall at 163 Fraser Street, Beachlands is currently utilised by Aboriginal Community Groups requiring space for meetings, wakes and art projects.

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

There are no economic impacts.

**Social:**

There are no social impacts.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

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

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

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

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

- (a) within the spirit and intendment of the Preamble to the Statute Elizabeth 1; and
- (b) for the public benefit.

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

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26 of the Local Government Act provides broad definitions for rateable and non-rateable land. Section 6.26(2)(g) states that land is not rateable if it is “used exclusively for charitable purposes”. ‘Charitable purposes’

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is not currently defined in the Local Government Act 1995 or other statutes; rather charity is defined at common law.

#### **FINANCIAL AND RESOURCE IMPLICATIONS:**

The value of the exemption for the 2016/2017 financial year is estimated to be \$1,903.56

#### **INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

#### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

#### **RISK MANAGEMENT**

Council by not approving the application for rate exemption may be required to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and that legal costs may be incurred as a result.

#### **ALTERNATIVE OPTIONS CONSIDERED**

No alternative options considered.

#### **COUNCIL DECISION**

##### **MOVED CR DOUGLAS, SECONDED CR GRAHAM**

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

1. **APPROVE** a rates exemption for Bundiyarra Aboriginal Community (Aboriginal Corporation) on the property situated at Lot 1652 (163) Fraser Street, Beachlands on the basis that the properties are being used exclusively for a charitable purpose; and
2. **EXEMPTION** to take effect from the 1 July 2016.

*Cr Hall returned to Chambers at 7.02pm*

#### **CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

**CCS222 FUNDING SUBMISSION FOR PROGRESS MIDWEST**

<b>AGENDA REFERENCE:</b>	<b>D-16-69615</b>
<b>AUTHOR:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>3 November 2016</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>A. Confidential – Corporate &amp; Commercial Services</b>

**EXECUTIVE SUMMARY:**

This report seeks Council endorsement of the City being the proponent of a business case seeking Royalties for Regions grant funding from the State Government for the Progress Midwest initiative, as described in the Growing Greater Geraldton penultimate draft plan, endorsed by Council in October 2016.

**EXECUTIVE RECOMMENDATION:**

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

1. ENDORSE the City as proponent of a business case seeking \$5,063,847 in Royalties for Regions funding assistance from the State Government, over the 4-year period 2017/18 through 2020/21;
2. COMMIT the City to provision of the following resources for Progress Midwest, spread over the four-year period 2017/18 through 2020/21, as detailed in the business case:
  - a. In-kind support (salaries of established City economic development team positions) totalling \$1,201,954; and
  - b. Cash contributions totalling \$395,000, subject to commitment by the Government of the requested Royalties for Regions funds across the four-year period; and
3. NOTE intention of the City to provide additional resources for Progress Midwest, enabling that entity in conjunction with the local tourism sector to assume responsibility for operation of the Geraldton Visitor Centre during the period 2017/18 through 2020/21.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

At its Special Meeting of 27 October 2016, Council endorsed the penultimate draft of the Growing Greater Geraldton plan, for the purposes of submission to the State Government's Steering Committee overseeing development of regional city growth plans.

The growth plan was prepared in conjunction with the Midwest Development Commission (MWDC), Department of Regional Development (DRD), Landcorp,



other State agencies, Regional Development Australia Midwest Gascoyne (RDAMW&G), and the Midwest Chamber of Commerce and Industry (MWCCI), with Royalties for Regions (RfR) funding provided by DRD via Landcorp, under the auspices of stage 2 of the Regional Capitals Development Program (RCDP2).

The Growing Greater Geraldton plan identifies development of an arms-length economic development entity (to be known as *Progress Midwest*) as a pivotal strategy to enable, facilitate and support pursuit of elements of the Midwest Regional Blueprint, to coordinate, facilitate and support implementation of elements of the Growing Greater Geraldton plan by other parties, and to have carriage of actual implementation of a range of specific growth strategies – as specifically identified in the growth plan.

To acquire resources for the proposed Progress Midwest initiative, a business case was developed in collaboration between MWDC and the City. Note that the Project Control Group for development of the growth plan included the Deputy Chair and the CEO of MWDC, and the City's Mayor and CEO. A copy of the business case document is attached to this report.

To provide resources for the Progress Midwest initiative, as set out in the business case, the proposed strategy involves:

- i. Secondment of the City's economic development team establishment, and application of their relatively modest annual development initiatives budget allocation, to Progress Midwest;
- ii. RDAMW&G contributing part of an employee FTE, and a cash contribution, each year; and
- iii. Royalties for Regions funding for additional personnel, and costs of specified programs, across the 4 year period.

In early stages of development of the business case, the MWDC and City jointly framed the draft, designating the MWDC as proponent. However, dialogue with the State's key development agencies revealed their preference for the City being the proponent, and DRD indicated that they require a resolution from Council, endorsing City acceptance of that role. This report seeks the necessary resolution.

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

### **Economic:**

The economic impacts are addressed comprehensively in the Growing Greater Geraldton plan, the penultimate draft of which was endorsed by Council at its Special Meeting of 27 October 2016, and in the Business Case document. That material is not repeated in this report.

### **Social:**

There are no social impacts associated with the City being proponent of the business case for Progress Midwest funding.

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**Environmental:**

There are no environmental impacts associated with the City being proponent of the business case for Progress Midwest funding.

**Cultural & Heritage:**

There are no cultural or heritage impacts associated with the City being proponent of the business case for Progress Midwest funding.

**RELEVANT PRECEDENTS:**

The City submits business cases via MWDC to DRD on a regular basis, seeking Royalties for Regions funding support for projects.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no general community consultation on the Progress Midwest business case per se. A community 'open day' was held in October, related to the Growing Greater Geraldton plan, with information provided on the Progress Midwest initiative, and on the Clusters approach adopted to grow the traded economy of the City region.

Formulation of the related Growing Greater Geraldton plan involved extensive consultation with the regional business community via surveys, interviews, workshops and information sessions. The MWCCI CEO was a member of the steering group for the growth plan project.

There has been no consultation with Councillors on the business case per se, but Councillors were provided with the consulting project papers that informed framing of the growth plan, and participated in presentation forums associated with the Growing Greater Geraldton plan, prior to endorsement of its penultimate draft on 27 October 2016.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

As noted in the business case, over the 4-year period, the aggregate resource contribution of the City will be valued at \$1,596,954 comprising \$1,201,954 for salaries of in-kind staff resources (employment expenses of the economic development team establishment) and \$395,000 in cash. The annual amounts will not exceed provisions for salaries and initiatives of the economic development function, per the detailed projections for the Long Term Financial Plan adopted by Council at the time of the 2016-17 Budget.

Over the 4-year period, RDAMW&G will contribute \$291,817. The requested Royalties for Regions funding of \$5,063,847 represents significant leveraging of the City's contributions over the 4-year period.

While not included in the detail of the business case, City intent is to migrate operations of the Geraldton Visitor Centre to Progress Midwest, as its Tourism Cluster development work progresses.

It is envisaged that net cost to the City for Visitor Centre operations will reduce, as the Tourism Cluster matures and the tourism sector contributes further resources.

There are no impacts on the 2016-17 Budget.

#### **INTEGRATED PLANNING LINKS:**

Title: Economy	Lifestyle and vibrancy
Strategy 4.1.3	Revitalising the CBD through economic, social and cultural vibrancy
Strategy 4.1.5	Developing and promoting Greater Geraldton as a preferred cultural, environmental and agriculture/aquaculture tourism destination
Title: Economy	Research and technology
Strategy 4.4.4	Encouraging the development of innovative entrepreneurs and new business models
Title: Governance	Planning and Policy
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community

#### **REGIONAL OUTCOMES:**

Regional outcomes have previously been addressed in the Pracsys economic appraisals study reports, and other reports previously distributed to Councillors, prepared during and informing the process of framing the *Growing Greater Geraldton* growth plan. Council has already endorsed the penultimate draft of the Growing Greater Geraldton plan, from which the regional outcomes will be generated. Regional outcomes were described in the report to Council at its Special Meeting of 27 October 2016.

As this particular report to Council deals specifically with just the administrative issues of being the proponent of the business case seeking State funding to pursue implementation of initiatives set out in the growth plan, additional detail of the regional outcomes is not repeated here.

#### **RISK MANAGEMENT**

As proponent of the business case, the City accepts accountability for acquittal of application of the funding for the purposes sought. The City has strong expertise in the oversight of RfR-funded projects.

Accountability for purposeful use of the grant funding requires establishment of a strong governance framework, with an expert Board or equivalent body to be established for Progress Midwest under the joint oversight of the funding bodies – DRD/MWDC, the City, and RDAMW&G. The Mayor and the City CEO will be part of the Progress Midwest Board, providing Council with direct and strong oversight capacity.

Legal advice has been sought on the most appropriate corporate vehicle to be utilised, and the City will consult State agencies as necessary to ensure any risks associated with options are strongly mitigated.

This business case differs from most cases seeking RfR funding, in that it seeks funding for recurrent operating costs (not a capital project) for an economic development entity, for a 4-year period. The Government may elect to commit funding for a different period, but preliminary indications are that the Government is willing to consider a multi-year funding commitment.

If the business case is successful, the commitment of Government will be reflected in a formal Funding Agreement executed between the Government and the City for the number of years agreed by Government, so risk of grant funding uncertainty year-to-year will be minimal. Should the Government elect to offer funding for fewer than 4 years, then the City will adjust its commitments back to the lesser period of years.

Implementation of significant elements of the Growing Greater Geraldton plan depends on creation of the Progress Midwest entity, and the financial capacity of that entity to deliver results will be dependent on Royalties for Regions funding assistance. Should the Government not support the business case, the City and MWDC will investigate other approaches to enabling and supporting economic development and growth in the city region.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The only option considered by City Officers was MWDC being the proponent of the business case seeking State funding support.

The Growing Greater Geraldton plan, and the business case seeking RfR funding support for the Progress Midwest initiative, were developed in close collaboration between the City and MWDC. The steering group was chaired by the Mayor, and its membership included the Deputy Chair, and CEO, of the MWDC, and the City CEO. As noted above, initial thinking had MWDC as proponent of the funding submission, but dialogue with key State agencies indicated their preference that the City be proponent of the business case submission. From the City perspective, either option is acceptable. Being the proponent, the City will be accountable for oversight and acquittal of the grant, via annual reporting to DRD in accordance with the Funding Agreement.

*Cr S Douglas declared an impartiality interest in Item CCS222, Funding Submission for Progress Midwest, as MWDC are supporting the proposal, but remained in Chambers*

### **COUNCIL DECISION**

#### **MOVED CR HALL, SECONDED CR FREER**

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

1. **ENDORSE** the City as proponent of a business case seeking \$5,063,847 in Royalties for Regions funding assistance from the State Government, over the 4-year period 2017/18 through 2020/21;
2. **COMMIT** the City to provision of the following resources for Progress Midwest, spread over the four-year period 2017/18 through 2020/21, as detailed in the business case:
  - a. In-kind support (salaries of established City economic development team positions) totalling \$1,201,954; and
  - b. Cash contributions totalling \$395,000, subject to commitment by the Government of the requested Royalties for Regions funds across the four-year period; and
3. **NOTE** intention of the City to provide additional resources for Progress Midwest, enabling that entity in conjunction with the local tourism sector to assume responsibility for operation of the Geraldton Visitor Centre during the period 2017/18 through 2020/21.

**CARRIED 12/0**

**7:05:13 PM**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. Mcllwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

**CCS223 STATEMENT OF FINANCIAL ACTIVITY TO 31 OCTOBER 2016**

<b>AGENDA REFERENCE:</b>	<b>D-16-70648</b>
<b>AUTHOR:</b>	<b>M Jones, Financial Business Planner</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>6 October 2016</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0001</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Monthly Management Report October 2016</b>

**EXECUTIVE SUMMARY:**

The attached financial reports provide a comprehensive report on the City's finances to 31 October 2016. The statements in this report include no matters of variance considered to be of concern.

**EXECUTIVE RECOMMENDATION;**

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

1. RECEIVE the 31 October 2016 monthly financial activity statements as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of October is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

Operating Income	\$171,161	0.3%	Positive Variance
Operating Expenditure	\$503,654	1.9%	Positive Variance
Net Operating	\$674,815		
Capital Expenditure	\$68,808	0.7%	Positive Variance
Capital Revenue	\$121,443	3.7%	Negative Variance
Cash at Bank – Municipal	\$30,484,369		
Cash at Bank – Reserve	\$10,327,730		
Total Funds Invested	\$35,327,730		
Net Rates Collected	74.86%		

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the revised budget.

The financial position represented in the October financials shows a positive variance of \$674,815 in the net operating result.

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

#### **Economic:**

There are no economic impacts.

#### **Social:**

There are no social impacts.

#### **Environmental:**

There are no environmental impacts.

#### **Cultural & Heritage:**

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

### **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

### **LEGISLATIVE/POLICY IMPLICATIONS:**

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

### **FINANCIAL AND RESOURCE IMPLICATIONS:**

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

### **INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

### **RISK MANAGEMENT**

There are no risks to be considered.

### **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options to consider.

**COUNCIL DECISION**

**MOVED CR FREER, SECONDED CR REYMOND**

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

1. **RECEIVE the 31 October 2016 monthly financial activity statements as attached.**

**CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*



**CCS224 ATTENDANCE AT COUNCIL MEETING BY TELEPHONE**

<b>AGENDA REFERENCE:</b>	<b>D-16-70548</b>
<b>AUTHOR:</b>	<b>P Bennett, Acting Governance Coordinator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>9 November 2016</b>
<b>FILE REFERENCE:</b>	<b>GO/7/0008</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek approval from Council for Councillor Keemink to attend the Ordinary Meeting of Council on 20 December 2016 via telephone link from 110 Kingfisher Avenue, Ballajura, Western Australia.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Regulation 14A of the Local Government (Administration) Regulations 1996 RESOLVES to:

1. APPROVE 110 Kingfisher Avenue, Ballajura, Western Australia as a suitable place for the purposes of Regulation 14A; and
2. APPROVE the arrangement under which Councillor Keemink is to be taken to be present at the meeting on 20 December 2016, by being simultaneously in audio contact by telephone with each other person present at the meetings.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

There has been a request from Councillor Keemink to attend the Ordinary Meeting of Council on 20 December 2016 via telephone link. Councillor Keemink will be at 110 Kingfisher Avenue, Ballajura, Western Australia.

The *Local Government (Administration) Regulations 1996* provide:

**14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))**

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
  - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
  - (b) the person is in a suitable place; and
  - (c) the council has approved\* of the arrangement.
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a

*disability) who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

(4) *In this regulation —*

**disability** *has the meaning given in the Disability Services Act 1993 section 3;*

**suitable place** —

(a) *in relation to a person with a disability — means a place that the council has approved\* as a suitable place for the purpose of this paragraph; and*

(b) *in relation to any other person — means a place that the council has approved\* as a suitable place for the purpose of this paragraph and that is located —*

(i) *in a townsite or other residential area; and*

(ii) *150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

**townsite** *has the same meaning given to that term in the Land Administration Act 1997 section 3(1).*

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

### **Economic:**

There are no economic impacts.

### **Social:**

There are no social impacts.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

## **RELEVANT PRECEDENTS:**

Council previously approved attendance at a Council meeting by telephone:

- Cr Thomas, Dianella, 25 October 2016, CCS212
- [then] Cr Van Styn, Carnarvon, 1 July 2015, CCS059
- Cr McIlwaine, Queensland, 24 September 2013, CCS006

And past Councillor's:

- N Bennett, Mildura, 25 June 2013, OP051
- C Gabelish, Adelaide, 28 August 2012, OP006

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Regulation 14A of the *Local Government Administration Regulations 1996* makes provision for a person who is not physically present at a Council Meeting to be taken to be present at the meeting if the person is in simultaneous audio contact with each other person present at the meeting.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.2.6	Supporting decisions to create a long term sustainable city

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

It is a provision of Regulation 14A of the *Local Government Administration Regulations 1996* that Council approve by Absolute Majority the arrangement for attendance at a meeting by audio contact, and that the person attending must be in a suitable place as defined r. 14A (4)(b)(i).

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

There were no alternative options considered by City officers.

**COUNCIL DECISION****MOVED CR THOMAS, SECONDED CR REYMOND**

That Council by Absolute Majority pursuant to Regulation 14A of the *Local Government (Administration) Regulations 1996* RESOLVES to:

1. **APPROVE 110 Kingfisher Avenue, Ballajura, Western Australia as a suitable place for the purposes of Regulation 14A; and**
2. **APPROVE the arrangement under which Councillor Keemink is to be taken to be present at the meeting on 20 December 2016, by being simultaneously in audio contact by telephone with each other person present at the meetings.**

**CARRIED BY ABSOLUTE MAJORITY 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

### 13 REPORTS OF INFRASTRUCTURE SERVICES

IS131	RFT 02 1617 – BERESFORD FORESHORE COASTAL PROTECTION AND ENHANCEMENT PROJECT
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<b>AGENDA REFERENCE:</b>	<b>D-16-70064</b>
<b>AUTHOR:</b>	<b>C Lee, Project Manager</b>
<b>EXECUTIVE:</b>	<b>R McKim, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>10 October 2016</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>A. Confidential Evaluation Report</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to award RFT 02 1617 Beresford Foreshore Coastal Protection and Enhancement Project - Construction to the preferred tenderer.

#### **EXECUTIVE RECOMMENDATION:**

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

1. AWARD the contract for RFT 02 1617 – The Beresford Foreshore Coastal Protection & Enhancement Project to the preferred tenderer subject to finalisation of outstanding funding agreement matter; and
2. RECORD the tender amount in the minutes.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

The two-kilometre-long iconic Beresford Foreshore has been eroding at up to one metre per year. Without the existing sand bypassing and emergency works the erosion would be even more significant. This erosion is the result of the impact of the construction of the Batavia Marina and expansion of the Geraldton port on the natural coastal processes feeding sediment to the foreshore. It is now an imperative that the Beresford Foreshore erosion is mitigated and the further loss of Government infrastructure (water, sewer, power, telephone, NBN, stormwater, road, shared pathway) is prevented.

Coastal protection works incorporating the construction of 3 sections of revetment along the foreshore, the extension of the existing Breakwater and Groyne at Marina Beach, beach renourishment and ancillary landscaping and drainage works have been publicly released to tender. The project is supported by a Department of Regional Development Funding Assistance Agreement.

The City of Greater Geraldton secured a \$23,124,415 Funding Assistance Agreement from the Department of Regional Development on 27 June 2016 to undertake coastal protection construction works and replace and improve the

public amenity of the Beresford Foreshore damaged by the development of the Batavia Coast Marina and enhancements to the Geraldton Port.

The scope of the works specified in the tender is comprised of ocean based engineering solutions including:

- A protective 100m breakwater extension to the detached breakwater and an extension of 45m to the existing groyne.
- Three revetments (314m southern revetment, 335m middle revetment, 220m north revetment).
- Land based engineering including sand renourishment, environmental restoration and development of recreational amenities to compensate for those lost due to the erosion and engineering works.

The funding conditions include that all coastal protection design elements will be constructed in one seamless construction operation and the work was issued in accordance with these conditions via Request for Tender (RFT) 02 1617.

The RFT required that the tenderer's must be able to demonstrate significant skills and experience in undertaking works of a similar nature by highly developed personnel with appropriate project management and plant operation skills to ensure the works are completed in accordance with the agreed programme in order that detailed funding claims can be submitted in accordance with the Funding Assistance Agreement Milestone requirements. The successful contractor must be able to work with City officers and their representatives to patiently work through these funding requirements.

The Tender Process and Assessment was completed in accordance with Council's Procurement of Goods and Services Policy (CP010). The RFT was advertised in the Western Australian on 30 July 2016 and advertised through the City's TenderLink e-Tendering Portal. The RFT closed on 12 September 2016. As required, the tender assessment criteria were included in the documentation provided to potential contractors.

Officers determined that the works present an opportunity to support the local community and included a Regional Preference allowance in the pricing evaluation for contractors with a detailed and demonstrated commitment to local employment and training. As such, one of the qualitative criteria considered the Contractor's capacity to deliver sustainable benefits to the local community.

The contract Practical Completion date for the works is 30 July 2017 with extension of time options, exercisable at the absolute discretion of the Superintendent's Representative.

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

The provision of State Government funding for the project will protect the Beresford Foreshore from further major erosion and therefore prevent the potential loss of \$55 million of public and private land, buildings and infrastructure including State and Local Government transport and utility (water, sewer, power, telephone, NBN, stormwater, road, shared pathway) infrastructure.

The project recognises the City has already expended or committed more than \$2.3 million of ratepayer's funds in managing the effects of the erosion caused by the State Government's developments at the Geraldton port and Batavia Coast Marina.

**Social:**

The project includes upgrades to the foreshore's public amenity and addresses several of the City of Greater Geraldton's Strategic Community Plan 2013-2018 objectives including encouraging informal recreation through well-planned and developed public open spaces, cycle / walk paths and green streetscapes.

**Environmental:**

The coastal protection works will be undertaken in accordance with the successful tenderer's Occupational Safety, Health & Environmental Management Plans which will be subject to regular audits during the construction phase. Investigations with the City Environmental Officers have confirmed that there are no works issues associated with the location of the Osprey nest or the presence of any rare flora or fauna on the project site.

**Cultural & Heritage:**

Project officers received advice from the State Government Department of Aboriginal Affairs who confirmed that there are no reported Aboriginal heritage places on the Aboriginal Heritage Inquiry System (AHIS) which intersect the areas of the proposed works. The nearest Registered Aboriginal heritage site, DAA 4762 Kempton St Midden, is located approximately 1.5 km to the north of the proposed works areas. Furthermore, the remnant 'Stockman's Fence' is located a sufficient distance offshore to not be impacted by the works however protection of this and the associated plaque will be addressed prior to works commencing with the successful Contractor.

The City of Greater Geraldton also has an opportunity to demonstrate its social conscience and its regional leadership position by appointing a contractor that has a highly developed relationship with the local aboriginal community and is committed to sustaining indigenous training and employment.

**RELEVANT PRECEDENTS:**

The City of Greater Geraldton has already expended or committed significant funding to coastal protection works, studies and emergency management of the effects of coastal erosion including the placement Geotextile Sand Containers & concrete blocks and the replacement of beach sand lost during storm events at St Georges Beach, Pages Beach, Point Moore and Drummond Cove.

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**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been extensive community/councillor consultation including a community workshop held on 14 May 2016 attended by 36 members of the community. A draft Communication & Engagement Plan has been developed by City Officers for implementation when a successful tenderer has been appointed.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The Funding Assistance Agreement (Special) conditions are required to be adhered to ensuring project payments (milestone claims) are approved and funding received.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The available project budget is \$23,125,415 which is funded by the Western Australian Department of Regional Development, Midwest Ports Authority and the City of Greater Geraldton.

The Project's funding assistance agreement was signed and approved on 27 June 2016. The agreement was entered into on the basis that the Midwest Ports Authority (MWPA) would contribute \$4,000,000 plus GST to the project, however formal correspondence from MWPA on 8 September 2016 now advises an alternative contribution model of 28% of the approved construction costs at completion up to a maximum of \$4,000,000 plus GST.

As a consequence of this MWPA correspondence, the Department of Regional Development will not release the next milestone payment until this matter is resolved. Without this payment, the City cannot undertake the tender. Officers from all the relevant agencies are currently working to resolve this issue.

**INTEGRATED PLANNING LINKS:**

Title: Environment	Revegetation Rehabilitation Preservation
Strategy 2.1.5	Preserving and managing the coastal environment in three distinct types based on high, moderate and low degrees of human interaction
Title: Environment	Sustainability
Strategy 2.3.2	Delivering projects utilising best practice to ensure timely, cost effective and quality outcomes
Title: Social	Sport and Recreation
Strategy 3.1.2	Encouraging informal recreation through well planned and developed public open spaces, cycle/ walk paths and green streetscapes
Title: Economy	Employment
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region

**REGIONAL OUTCOMES:**

The project will provide an injection of funds into the local community by way of employment and supplier opportunities and reduce ongoing remediation and sand bypassing costs. It will also provide the City with the confidence it needs

to invest in new amenity infrastructure on the foreshore and to restore some amenity lost as a consequence of the erosion in assisting the City with the cost of new amenity needed to offset the loss of Beresford's natural beach and to deal with the resultant concentration of recreational activity around Marina Beach.

### **RISK MANAGEMENT**

There are a number of significant risks with this program of works. There are the usual Occupational Health and Safety (OHS) risks associated with work on site which will be managed through contractual requirements, management plans and high quality site surveillance.

Additional risk associated with the proximity of the works to local residences and business will need to be managed by undertaking property condition surveys and implementation of environmental and traffic management plans ensuring that the works are completed safely with no impact on business operations or damage to existing property. The successful tenderer will be required to be flexible in work programming to make allowance for any community stakeholder requirements that come to light during the project

There is also a financial risk associated with this project. The Funding Assistance Agreement contains a number of project Milestones to be reached in order for funds to be released to the City however, the dates for achieving these milestones are flexible and will be managed and maintained in accordance with construction programme program to ensure the project remains cash flow positive.

Inclement weather and unusual sea states/conditions while these works are being undertaken present as a risk to be managed and the successful tenderer is required to be of sufficient experience to provide contingency plans to mitigate this risk.

### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

Engineering consultants were initially engaged in 2010 to review the Foreshore situation and recommend solutions. Ten options were investigated and a suite of four options appropriate to the Beresford Foreshore was presented to the community. Of the four options presented during public consultation, the overwhelming support was for an engineering solution which would cause minimal disruption during renourishment periods, and potentially offer a more attractive area for recreation.

The preferred management option involving a combination of seawall, groynes and renourishment was adopted for further investigation in 2012 with a concept design being completed for the preferred management option incorporating coastal protection and amenity enhancement. The designs involved the construction of a new or modified groyne structure perpendicular to the beach, with a buried seawall. Further research into the wave movement, sediment

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pathways and currents led to another option that did not require the seawall and subsequent sand fill. Models validated the concept and the design was refined again in 2015 when Royal Haskoning DHV provided detailed designs.

The final design comprises protective groyne and breakwater extensions, three revetments, and land based engineering including sand renourishment, environmental restoration and development of recreational amenities to replace those lost due to the erosion. The selected option has the support of the Ministerial Working Group and the Technical Panel and has been peer reviewed and reviewed by independent third party coastal engineers.

The review panels have considered all the evidence and data and have concluded that the once pristine Beresford beachfront has been substantially degraded due to impacts from the Marina and Port developments and that the engineering option selected will be a long-term coastal management solution for this section of coastline.

*Cr S Douglas declared an impartiality interest in Item IS131, Beresford Coastal Protection, as MWDC is a funding contributor, but remained in Chambers*

#### **COUNCIL DECISION**

#### **MOVED CR REYMOND, SECONDED CR THOMAS**

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

- 1. AWARD the contract for RFT 02 1617 – The Beresford Foreshore Coastal Protection & Enhancement Project to Central Earthmoving Company Pty Ltd subject to finalisation of outstanding funding agreement matter; and**
- 2. RECORD the tender amount in the minutes, being \$7,666,724.05 excluding GST.**

#### **CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

IS133	WANDINA PRIMARY SCHOOL – MEMORANDUM OF UNDERSTANDING
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<b>AGENDA REFERENCE:</b>	<b>D-16-70055</b>
<b>AUTHOR:</b>	<b>R McKim, Director Infrastructure Services</b>
<b>EXECUTIVE:</b>	<b>R McKim, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>7 November 2016</b>
<b>FILE REFERENCE:</b>	<b>PR/1/0004</b>
<b>ATTACHMENTS:</b>	<b>Yes (x4)</b>
	<b>A. Letter dated 6 July 2016</b>
	<b>B. Site Map</b>
	<b>C. Grant Application</b>
	<b>D. Memorandum of Understanding</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to enter into a Memorandum of Understanding (MoU) with the Wandina Primary School to construct and maintain a nature playground jointly on school land and City land (Derna Park).

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act RESOLVES to:

1. ENTER into a Memorandum of Understanding with Wandina Primary School for the construction and maintenance of a nature playground; and
2. DELEGATE authority to the Chief Executive Officer to finalise and sign the MoU.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

In July 2016, the Wandina Primary School approached the Chief Executive Officer (CEO) with a proposal to construct a nature playground jointly on school land and City land (Derna Park). Reference is made to attachments A and B.

With a letter of support from the City, the school applied for grant funding under the Royalties for Regions Midwest Grant Scheme. The Mid West Development Commission (MWDC) has requested a signed MoU be submitted to the MWDC to enable the grant application to proceed to the board for consideration.

In accordance with the Council approved park hierarchy, Derna Park is a District Park which entitles it to playground equipment. In keeping with this classification, the approved 2016/17 capital works program has provided for the construction of a toilet block which is currently being designed.

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

Improved park equipment and assets improves the liveability of the City, which encourages families to live in Geraldton which improves the region's economy.

**Social:**

The joint program will facilitate the provision of playground equipment which enhances social activity in this location.

**Environmental:**

The proposed natural playground may encourage children and families to explore the regions bushlands. Water tolerant plants will be used as part of the project.

**Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

The City has approved officers enter into an MoU with the Friends of Geraldton Gardens (FroGGs) for the construction of stage 1 of the Maitland Park Botanical Gardens.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Consultation to date has occurred with the Wandina Primary School, officers of the Infrastructure Services Department, the Executive Management Team, Governance and safety officers.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Infrastructure Officers have been working with the school and Governance to resolve ownership, insurance and fencing issues.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

If the grant is successful, the nature playground will require increased maintenance effort which will be found within existing resources.

**INTEGRATED PLANNING LINKS:**

Title: Social	Recreation and Sport
Strategy 3.1.2	Encouraging informal recreation well planned and developed public open spaces, cycle/walk paths and green streetscapes

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

An MoU with a Deed is not a legally strong document. The project will be constructed in such a way that if the relationship deteriorates over time, this risk would be able to be addressed at minimal cost.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

1. NOT enter into the MoU;
2. ENTER into an amended MoU;
3. CONSTRUCT the facility entirely within Derna Park; and
4. CONSTRUCT the facility entirely within the school grounds.

*Cr S Douglas declared an impartiality interest in Item IS133, Wandina Primary School Memorandum of Understanding, as funding application lodged with MWDC and left Chambers at 7.07pm*

**COUNCIL DECISION****MOVED CR FREER, SECONDED CR CRITCH**

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act **RESOLVES** to:

1. **ENTER** into a Memorandum of Understanding with Wandina Primary School for the construction and maintenance of a nature playground; and
2. **DELEGATE** authority to the Chief Executive Officer to finalise and sign the MoU.

**CARRIED 11/0****7:18:43 PM**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>N/V</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. Mcllwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

*Cr Douglas returned to Chambers at 7.19pm*

**14 REPORTS OF OFFICE OF THE CEO**  
Nil.

**15 REPORTS TO BE RECEIVED****REPORTS TO BE RECEIVED**

<b>AGENDA REFERENCE:</b>	<b>D-16-69982</b>
<b>AUTHOR:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>7 November 2016</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-04</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b>
	<b>A. Delegated Determinations and Subdivision Applications</b>
	<b>B. Corporate Business Plan First Quarter Report</b>
	<b>C. List of Accounts Paid Under Delegation October 2016</b>

**EXECUTIVE SUMMARY:**

To receive the Reports of the City of Greater Geraldton.

**EXECUTIVE RECOMMENDATION:****PART A**

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

1. RECEIVE the following appended reports:
  - a. Reports – Development & Community Services:
    - i. DCSDD116 – Delegation Determinations and Subdivision Applications

**PART B**

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

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS225 - Corporate Business Plan First Quarter Report
    - ii. CCS226 - List of Accounts Paid Under Delegation October 2016

**PROponent:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

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

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

Not applicable.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Not applicable.

**COUNCIL DECISION****MOVED CR THOMAS, SECONDED CR HALL****PART A**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Development & Community Services:**
    - i. DCSDD116 – Delegation Determinations and Subdivision Applications**

**PART B**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Corporate and Commercial Services:**
    - i. CCS225 - Corporate Business Plan First Quarter Report**
    - ii. CCS226 - List of Accounts Paid Under Delegation October 2016.**

**CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

**PROCEDURAL MOTION****MOVED CR GRHAM, SECONDED CR DOUGLAS**

The Council bring the Notice of Motion forward for consideration prior to consideration of the confidential item.

**CARRIED 12/0**

**7:20:33 PM**

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	N/V
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. McIlwaine	N/V
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

**16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**NOTICE OF MOTION - CR R ELLIS' LEGAL COSTS**

<b>AGENDA REFERENCE:</b>	<b>D-16-73652</b>
<b>AUTHOR:</b>	<b>Cr L Graham</b>
<b>DATE OF REPORT:</b>	<b>21 November 2016</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0008</b>
<b>APPLICANT /</b>	<b>Council</b>
<b>PROPONENT:</b>	
<b>ATTACHMENTS:</b>	<b>NO</b>

**Councillor Comment**

On 3 October the Chief Executive Officer issued a notice of disqualification to Cr Renee Ellis for her alleged failure to attend three consecutive Council meetings without first having gained leave of absence from the Council.

The Chief Executive Officer and Cr Ellis have each individually referred this matter to the State Administrative Tribunal for determination on whether Cr Ellis is disqualified.

In accordance with Council Policy CP007 the Chief Executive Officer approved the payment of Cr Ellis' legal expenses to a capped amount of \$20,000.



Because of the unique legal nature of this matter, Cr Ellis' legal expenses are likely to be in excess of \$20,000 and it would be unfair for her to be burdened with these additional costs, or to receive inadequate legal representation.

To enable Cr Ellis to receive appropriate legal representation at SAT Council are asked to consider approving the additional costs.

### **Executive Comment**

Prior to approving the payment of Cr Ellis' legal expenses relating to this matter the City obtained a written estimate from her legal team. The estimate provided on 19 October 2016 indicated that the likely costs would be in the order of around \$5,000 dollars (excluding GST).

On 8 November the City was made aware that Cr Ellis legal advisors have indicated that the final costs would be in the range of \$22,000 to \$25,000 (excluding GST), as a result of Cr Ellis' directions to engage Queens Counsel to advise on matters of administrative law.

On 9 November the Chief Executive Officer met with Cr Ellis's legal representative and informed him that the City felt that the proposed legal fees were excessive given:

- The issue seems relatively simple,
- The matter could be decided by SAT on the papers,
- The original cost estimate of \$5,000,
- The City's legal team had prepared a large body of the work.

Subsequent to the above meeting, the CEO advised Cr Ellis' legal representatives that the City was going to cap their contribution to \$20,000 (excluding GST) and that any additional costs would be the responsibility of Cr Ellis, unless otherwise approved by Council.

On 17 November, the City was advised by Cr Ellis' legal representatives that they were agreeable to the cap of \$20,000 for costs incurred up to including the directions hearing on 18th November, but that further costs may be incurred after the hearing.

On the morning of the 18 November the City informed Cr Ellis' legal representatives that the \$20,000 cap related to the whole legal proceedings, regardless of the outcomes of the directions hearing to be held on that day. The City also advised them that if further legal representation is required by Cr. Ellis she will have to meet these cost herself, and/or, make application to the Council for payment of the additional legal fees.

On the 21 November the City was advised by Cr Ellis' legal representatives that:

1. Actual costs to date are \$27,000 (excluding GST)
2. They will cap these costs to \$20,000 (excluding GST)
3. It is likely that an additional \$4,500 to \$5,500 (excluding GST) in costs will need to be incurred to finalise this matter.

The estimated cost of the City's legal representation is \$30,550 (excluding GST). These costs are significantly higher than first expected and are mainly as a result of the approach being followed by Cr Ellis's legal representation.

A declarations hearing has now been held by SAT and the matter is to be scheduled to be heard in December at a date to be advised.

**COUNCILLOR MOTION:**

That Council, by Simple Majority, in accordance with Council Policy CP007 approve the payment of Cr Ellis' further legal fees in relation to the State Administrative Tribunal's determination of her disqualification, to the total amount of \$25,550 excluding GST.

**COUNCIL DECISION**

**MOVED CR GRAHAM, SECONDED CR TANTI**

That Council, by Simple Majority, in accordance with Council Policy CP007 approve the payment of Cr Ellis' further legal fees in relation to the State Administrative Tribunal's determination of her disqualification, to the total amount of \$25,550 excluding GST.

**CARRIED 7/5**

**7:33:47 PM**

<b>Mayor Van Styn</b>	<b>NO</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>NO</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>NO</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>NO</b>
<b>Cr. Mcllwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>NO</b>
<b>Cr. Thomas</b>	<b>YES</b>

## **17 CONFIDENTIAL MATTERS**

*Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law 2011, please note this part of the meeting will be closed to the public due to its confidential nature.*

*Livestreaming was turned off and Members of Public left the gallery at 7.34pm.*

### **EXECUTIVE RECOMMENDATION**

That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a matter that is disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

### **COUNCIL DECISION**

#### **MOVED CR GRAHAM, SECONDED CR FREER**

**That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a matter that is disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.**

#### **CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

**CCS220 CONFIDENTIAL - WRITE OFF RATES AND CHARGES**

<b>AGENDA REFERENCE:</b>	<b>D-16-69561</b>
<b>AUTHOR:</b>	<b>S Russell, Senior Rates Coordinator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>4 November 2016</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0017</b>
<b>ATTACHMENTS:</b>	<b>No</b>

*Confidential item, details of which were circulated separately to Elected Members.*

**EXECUTIVE RECOMMENDATION:**

As per the confidential Item

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**7:42:41 PM**

<b>Mayor Van Styn</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Bylund</b>	<b>YES</b>
<b>Cr. Ellis</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>N/V</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Reymond</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>N/V</b>
<b>Cr. Freer</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>

*This item remains confidential as it contains information relating to a matter that is disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.*

**EXECUTIVE RECOMMENDATION**

That Council by Simple Majority RESOLVES to MOVE from behind Closed doors.

**COUNCIL DECISION**

**MOVED CR HALL, SECONDED CR THOMAS**

That Council by Simple Majority RESOLVES to MOVE from behind Closed doors.

**CARRIED 12/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 the motion was passed unopposed.*

**18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**20 CLOSURE**

There being no further business the Presiding Member closed the Council meeting at 7.43pm.

**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/council-meetings/>