



ORDINARY MEETING OF COUNCIL

AGENDA

22 OCTOBER 2013

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 22 OCTOBER 2013 AT 5.30PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

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

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders and to knowledge embedded forever within the Aboriginal Custodianship of Country.

2 DECLARATION OF OPENING

3 ATTENDANCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr N McIlwaine [will join the meeting by phone]

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5 PUBLIC QUESTION TIME

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

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

Councillor	From	To (inclusive)
Cr Neil McIlwaine	17 October 2013	25 November 2013

Cr B Hall request for leave of absence for the period 18 November 2013 to 1 December 2013 and for the period 13 December 2013 to 20 January 2013 be approved.

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

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Greater Geraldton held on 24 September 2013 and that the minutes of the special meeting of Council held on the 15 October 2013 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)*Events attended by the Mayor or his representative*

DATE	FUNCTION	REPRESENTATIVE
25/09/2013	CEO Performance Review Committee Meeting	Mayor Ian Carpenter
25/09/2013	WA Museum Geraldton Community Advisory Committee Meeting	Mayor Ian Carpenter
25/09/2013	Welcome Reception – The Consul-General of Japan, Mr Koichi Funayama and Mrs Miho Funayama	Chris Gabelish
26/09/2013	Mid-West Investment Plan (MWIP) Meeting	Mayor Ian Carpenter
26/09/2013	Regular Mayor / CEO Discussion	Mayor Ian Carpenter
26/09/2013	Tourism & Mid-West Development Commission (MWDC) Blueprint Meeting	Mayor Ian Carpenter
27/09/2013	Mumbida Wind Farm Official Opening	Mayor Ian Carpenter
27/09/2013	Welcome Australasian Safari Competitors	Mayor Ian Carpenter
27/09/2013	Midnight Basketball Grand Final	Mayor Ian Carpenter
28/09/2013	Welcome Noeline Brown, Ambassador for Ageing visit to Geraldton	Mayor Ian Carpenter
29/09/2013	Greenough Museum Open Day and Garden Naming Ceremony	Mayor Ian Carpenter
1/10/2013	Regional Capitals Australia - Teleconference	Mayor Ian Carpenter
1/10/2013	Citizenship Ceremony	Mayor Ian Carpenter
1/10/2013	Concept Forum 2013	Mayor Ian Carpenter
2/10/2013	Rotary Address	Mayor Ian Carpenter
4/10/2013	Aquarena Renewal Tour	Mayor Ian Carpenter
4/10/2013	711 Squadron 20th Anniversary Dining In Night	Mayor Ian Carpenter
4/10/2013	Regular Mayor / CEO Discussion	Mayor Ian Carpenter
5/10/2013	Freedom of Entry parade - 711 Squadron AAFC	Mayor Ian Carpenter
5/10/2013	Official Opening of the 2013 Geraldton Greenough Sunshine Festival	Mayor Ian Carpenter
7/10/2013	Regular Mayor / CEO Discussion	Mayor Ian Carpenter
7/10/2013	Vic Bowers - Batavia Coast Car Club Meeting	Mayor Ian Carpenter
7/10/2013	Regular meeting with Mr Ian Blayney MLA	Mayor Ian Carpenter
7/10/2013	Eastern Breakwater Visit	Mayor Ian Carpenter
8/10/2013	Public Launch of #changesCGG	Mayor Ian Carpenter

9/10/2013	CEO Meeting Regarding Old Museum Building	Mayor Ian Carpenter
9/10/2013	Meeting with Anthony QUAHE	Mayor Ian Carpenter
10/10/2013	Rates Incentive Prize Presentation	Mayor Ian Carpenter
11/10/2013	Regional Capitals Australia Teleconference Board Meeting 2013	Mayor Ian Carpenter
11/10/2013	Meeting with David l'Anson - Geraldton Volunteer Tour Guides	Mayor Ian Carpenter
11/10/2013	Presidential Dinner – Shire of Chapman Valley President Cr John Collingwood	Mayor Ian Carpenter
14/10/2013	Regular Mayor / CEO Discussion	Mayor Ian Carpenter
15/10/2013	Agenda Forum 2013	Mayor Ian Carpenter
15/10/2013	Special meeting of Council	Mayor Ian Carpenter
15/10/2013	Breast Cancer Morning Tea	Mayor Ian Carpenter
17/10/2013	Willoughby City Council / City of Greater Geraldton Meeting	Mayor Ian Carpenter
17/10/2013 - 18/10/13	Regional Capitals Alliance Meeting - Melbourne	Mayor Ian Carpenter
17/10/2013	Geraldton Airport Hotel & Batavia Coast Marina stage 2	Mayor Ian Carpenter
18/10/2013	Regional Achievement and Community Awards Gala Presentation	Cr Chris Gabelish
19/10/2013	Master Builders Association Geraldton / Midwest Region - Housing Excellence Awards 2013	Mayor Ian Carpenter
21/10/2013	Special Meeting of Council to swear in new Councillors and Election of Deputy Mayor	Mayor Ian Carpenter
22/10/2013	Ordinary Meeting of Council	Mayor Ian Carpenter

11 SIGNIFICANT STRATEGIC MATTERS

CCS007 LOCAL GOVERNMENT REFORM

AGENDA REFERENCE:	D-13-68482
AUTHOR:	T Mbirimi, Manager Governance, Risk & Strategy
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	4 October 2013
FILE REFERENCE:	GO/6/0006
APPLICANT / PROPONENT:	Shire of Serpentine-Jarrahdale
ATTACHMENTS:	Yes (x1)

SUMMARY:

The City of Greater Geraldton has received a request for support from the Shire of Serpentine-Jarrahdale to publicly object to the State Government's plans to seek a number of amendments to the Local Government Act 1995 as part of the reform program.

PROponent:

The proponent is the Shire of Serpentine-Jarrahdale.

BACKGROUND:

The State Government has announced plans for widespread changes to local government arrangements in Metropolitan Perth. The plans, which include reducing the number of local governments from 30 to 14 from 1 July 2015, are aimed at building a stronger, more effective and financially secure Local Government sector.

The State Government proposes to seek a number of amendments to the Local Government Act 1995 to facilitate the implementation of the proposed model for metropolitan local government reform.

The proposed changes include amendments to the current poll provisions, expanding the membership of the Local Government Advisory Board and clarifying other parts of the legislation.

COMMUNITY CONSULTATION:

There has been no community consultation on this matter.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation on this matter.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

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

Goal 5: Governance

Outcome 5.2: Planning and Policy

Strategy 5.2.6: Supporting decisions to create a long term sustainable city

Regional Outcomes:

There are no regional outcomes.

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

There are no economic issues associated with this matter.

Social:

There are no social issues associated with this matter.

Environmental:

There are no environmental issues associated with this matter.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER considering the request for support received from the Shire of Serpentine-Jarrahdale; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 3:

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

1. NOT provide support to the Shire of Serpentine-Jarrahdale; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

CONCLUSION:

The letter attached is a request from the Shire of Serpentine-Jarrahdale for support to publicly object to the State Government's plans to seek a number of amendments to the Local Government Act 1995 as part of the reform program. This is a matter for Councils' consideration.

EXECUTIVE RECOMMENDATION:

A matter for Councils' consideration.

SC122	FINAL ADOPTION OF THE LOCAL BIODIVERSITY STRATEGY
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AGENDA REFERENCE:	D-13-62854
AUTHOR:	R Nicholas, Senior Environmental Sustainability Officer/M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	23 September 2013
FILE REFERENCE:	LP/9/0024
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x3)

SUMMARY:

The advertising period has concluded for the 'Local Biodiversity Strategy' (LBS) and this report recommends final approval of the LBS (subject to minor modifications).

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In November 2009 the City met with representatives from the Department of Planning and Western Australian Local Government Association (WALGA) to initiate scoping of the LBS.

The LBS has been prepared by the Perth Biodiversity project with the assistance of consultants Ecological Australia Pty Ltd and We Are Arising. Additional support has come from the City, the Shire of Chapman Valley and the State NRM program.

The LBS has been overseen by a Steering Committee comprising representatives from:

- City of Greater Geraldton;
- Shire of Chapman Valley;
- Department of Planning;
- Department of Environment and Conservation; and
- Perth Biodiversity Group/Western Australian Local Government Association.

Geographically, the LBS covers 32,410 ha including the coastal portion of the City of Greater Geraldton, the Shire of Chapman Valley and small portion of the Shire of Northampton. The area is approximately bounded by Coronation Beach Road to the north, Devlin Pool Road to the south and Moresby Range to the east.

The Geraldton area is included in one of only 34 global biodiversity hotspots, being both very high biodiversity value, yet also under significant threat. The City of Greater Geraldton and the Shire of Chapman Valley's policies and

strategies show a commitment to environmental values, and to halting and reversing the observed trends towards collapse of local ecosystems. Recent surveys and forums have also shown community support for strong commitments to conservation to preserve social, economic, cultural and intrinsic values and ecosystem services provided by natural areas.

Only 6,041 ha of vegetation remains in the LBS study area, representing only 18% of pre-European extent of native vegetation, and well under the 30% threshold recognised at which species loss appears to accelerate exponentially at an ecosystem level. More than 30% of that remaining is land identified for future development and an additional 20% is land where potential future development could result in further vegetation clearing. Less than 1.8% of the original extent of vegetation in the study area has some level of protection.

Achieving the Goals of the LBS will require stronger action from government in policy, planning and compliance, and business in natural area assessment, urban design, and use of offsets. Actions must also provide stronger support for:

- local community groups working on the coast, in the Moresby Range and in the Chapman River;
- planners working to implement innovative policies in areas such as Waggrakine; and
- private landholders wanting to conserve their bushland.

The LBS takes all these trends and aspirations into account and, using detailed spatial and policy analysis, suggests a prioritised list of natural areas for conservation action.

On 28 August 2012, Council resolved to:

1. *ADOPT the draft 'Local Biodiversity Strategy' for the purpose of seeking public comment;*
2. *ADVERTISE the draft strategy for a period of 42 days;*
3. *ADOPT for final approval the 'Local Biodiversity Strategy' should no objections be received during the advertising period; and*
4. *REQUIRE a further report to Council should there be any objections received during the advertising period.*

Objections were received during the advertising period and hence this report is presented to Council. Extracts from the LBS are included as Attachment No. SC122A and a full copy of the LBS is available to Council upon request.

COMMUNITY CONSULTATION:

The LBS has been formulated within a Stakeholder Engagement Plan designed by the City to identify, educate, and involve stakeholders in the biodiversity planning process through 3 phases.

- 1) Collating Survey Results: The LBS Steering Group conducted a review of previous community consultation and surveys, (e.g. NACC Coastal Communities Study, 2029 and Beyond Deliberative Survey, existing management plans etc.), and conducted a new survey of community values, issues and visions for biodiversity.

25 responses were received through the online and hard-copy forms, and these responses directly informed the content of the LBS, as well as guided the structure and focus of the subsequent workshops. One aim of the community consultation was to identify meaningful and practical actions that could be implemented as 'early wins'.

- 2) Information Session and Background Briefing: In May 2010, a LBS information session involved:
 - introducing the timeline and process for strategy development;
 - feeding back values, visions, and concerns identified from previous surveys; and
 - identifying additional information required for meaningful stakeholder participation.

Attendees were also involved in small group conversations on the same topics as the survey: values, issues, solutions and useful additional information.

- 3) Setting goals and prioritising actions: In July 2010, more than 30 people attended a 'goal-setting' and 'action-planning' workshop in Geraldton. Participants were presented with a background briefing and engaged in discussions about goals for biodiversity conservation. Steering group members facilitated small group conversations to develop goals for the strategy, and brainstorm actions to achieve those goals. The end result was a set of goals and list of prioritised actions.

The advertising period was originally for 42 days, however taking into consideration that the advertising period fell over the festive season, the City extended the advertising period to 66 days. Further to this, submissions were received and accepted up until 19 February 2013. Therefore, the advertising period was for 85 days (2 months and 25 days) and involved the following:

1. A notice appeared in the Midwest Times on Thursday, 29 November 2012 advertising the public comment period;
2. The LBS was publicly displayed at the Civic Centre;
3. A brochure was compiled in November 2012 and distributed widely throughout the community. The brochure provided an explanation of the LBS and seeks to answer commonly asked questions about the planning process (and included as Attachment No. SC122B);
4. A community survey was conducted online and in hard copy;

5. Project updates were emailed out to over 173 community members who had registered an interest in the project;
6. Throughout the above, a public consultation page remained available on the City's website. It contained information on upcoming consultation events, a section for community members to lodge new comments and view past results from community consultations on the LBS;
7. The LBS was available on the City's website; and
8. The LBS was referred to the following:
 - Department of Regional Development and Lands;
 - Department of Agriculture and Food;
 - Department of Environment and Conservation;
 - Department of Planning;
 - DFES (Previously FESA);
 - NACC;
 - Western Power;
 - Yamatji Land and Sea Council;
 - Shire of Irwin;
 - Shire of Northampton;
 - Department of Water;
 - Department of Indigenous Affairs;
 - Progress Associations;
 - All major land developers and planning consultancies; and
 - Mr Ian Blayney MLA.

The City of Greater Geraldton recently received a Biodiversity Milestone Award from WALGA's Local Biodiversity Program for preparing and endorsing for public consultation a draft LBS.

Submissions:

As a result of the advertising, a total of 11 submissions were received with only 1 submission formally objecting to the LBS. Listed below is a summation of the comments/concerns raised from the public comment period:

- Private landholders/developers concerned that the burden of active management for conservation should not be placed solely on the landholder/developer to implement the recommendations but rather implementation should be collaborative between the City and other agencies.
- Retention of native vegetation should be shared amongst landholdings in Areas of Conservation Value.
- Lack of consideration for the financial ramifications of the LBS (devaluation of land, loss of land use, and cost of managing biodiversity assets) on private landholders.
- Compensation for private landholders.
- All stock should be removed from denigrated rural residential land and the land be regenerated, rather than expecting a small portion of responsible landowners to carry the burden of conservation.

- Support the initiatives to protect and retain natural areas wherever possible, but where it does not impact negatively on the existing development potential of an area.
- Concern for the management of ACV on private land. Who will determine which ACV will be managed? What will the management actions be? Will the City provide assistance or compensation for managing the ACV?
- Questioned the City's capacity to implement the LBS.
- Supported the regeneration of degraded land to achieve biodiversity targets.
- Concern of the increase in fuel load and fire risk in achieving the biodiversity conservation targets.
- Why the City has authority to determine biodiversity on private land and placing extra burden on rate payers when state government already has control of native vegetation on private land.
- Steering Committee had no private landholder representation and no formal invitation was offered to private landholders.
- The concept of the LBS for Geraldton is supported, particularly if the strategy allows more consistency and clarity on the expectation of private developers on biodiversity management and retention through the planning process.
- Assumptions have been made on the basis of regional information to determine and prioritise conservation significance and should not replace site specific assessments.
- Concern of the prioritisation methodology used to identify and rank Areas of Conservation Value within the project area.
- Opportunities for retention and management of high value natural areas within the development should be encouraged; however these opportunities should be assessed on a site by site basis.
- Further analysis of the Areas of Conservation Value should be undertaken to take into account the actual viability of ecological linkages, and the current and future zonings of landholdings.
- The LBS should be amended to clearly state and imply that in respect to land use planning for areas of potential conservation on private landholdings, that the LBS is only a high level guidance document, and site specific surveys and information will be the primary source of decision making for those landholdings subject to development projects.
- Definition and function of ecological linkages.
- The City provided the full added cost to ratepayers of this project to all Geraldton ratepayers formally.
- The LBS focuses on plant communities, excludes animals and makes no reference to micro-organisms.

A 'Schedule of Submissions' is included as Attachment No. SC122C and copies of the actual submissions are available to Council upon request.

In addition to the above, six (6) submissions were received by the Shire of Chapman Valley specific to land parcels in that local authority, with 2 specifically objecting to the LBS.

COUNCILLOR CONSULTATION:

Councillor Des Brick was appointed as the Biodiversity Champion at the Council Meeting held on the 25 May 2010 and Councillors Tarleah Thomas, Jerry Clune and Ilse Middleton are the NRM Champions.

STATUTORY IMPLICATIONS:

It is proposed that the LBS be endorsed as a local planning policy under Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough).

It is expected that the LBS will inform the future Local Planning Strategy which will then be endorsed by the WA Planning Commission.

POLICY IMPLICATIONS:

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

FINANCIAL AND BUDGET IMPLICATIONS:

The LBS has a series of recommendations only which are not presently costed or included in the current budget. Should Council determine to implement any of the recommendations the financial and budget implications will be detailed at that time.

It should be noted that adoption of the LBS does not commit Council to any of the recommendations but does allow for the recommendations to be funded out of the annual budgeting process.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 2:	Environment – A sustainable built form and natural environment
Outcome 2.1:	Revegetation-Rehabilitation-Preservation
Strategy 2.1.3:	Preserving, rehabilitating and enhancing natural flora and fauna corridors
Goal 5:	Governance – Inclusive civic and community engagement and leadership
Outcome 5.2:	Planning and Policy

Strategy 5.2.1: Responding to community aspirations by providing creative yet effective planning and zoning for future development

Regional Outcomes:

The Geraldton Regional Flora and Vegetation Survey:

The Geraldton Regional Flora and Vegetation Survey was recently completed and adopted by the EPA. This LBS is a follow-on project to implement some recommendations of the survey. Further, a conservation plan for the region is being funded by the state and will link with the LBS.

Local Rural Strategy:

This strategy guides future land use and subdivision decisions for rural areas. It includes objectives to retain native vegetation, create vegetation corridors as well as specific management directives for vegetation management.

Local Planning Strategy:

The purpose of this document is to identify the likely land uses that will be established and indicate the preferred location for these land uses. The LBS includes the Greenough and Chapman River foreshores into areas with significant environmental value. The promotion of foreshore reserves, foreshore management plans, and revegetation along these rivers will provide a basis for linking other environmentally significant areas to these rivers. The LBS states that foreshore reserves, foreshore management plans and/or revegetation along these rivers are required as conditions of subdivision to create lots for more intensive use and, where possible, efforts should be made to provide links between these river corridors and other environmentally significant areas (e.g. Moresby Range).

Geraldton Region Plan and Greater Geraldton Structure Plan:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area that recommends inclusion of ecologically significant areas in the conservation estate, protection of areas of agricultural significance and the establishment of landscape committees to protect areas of landscape value.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Through the 2029 and Beyond process the residents of the City have identified a range of economic, social, environmental and cultural characteristics of the Greater Geraldton area which make it attractive. The draft LBS has been prepared, cognisant of these.

Economic:

The economic impacts of the LBS may include providing more certainty for business and investors through consistent policies regarding land use and biodiversity conservation.

Social:

Refer to Goal 4 in the 'Environmental' section of this report below.

Environmental:

Goals for local biodiversity conservation were decided through careful consideration of the biodiversity assets, their regional and local significance within the context of opportunities, constraints and community aspirations.

5 goals were identified, each focusing on retention, protection, management, engagement and regeneration. The 5 Goals are:

Goal 1: Retention – Retain Natural Areas:

Given current constraints to natural area retention, this goal translates into 10% of the original extent of native vegetation in Geraldton, as a minimum:

- Retention of at least 3,334 ha of the remaining 6,041 ha of natural areas remaining; and
- Requirement to offset and revegetate as compensation where losses are unavoidable.

Goal 2: Protection – Protect Natural Areas and Specific Biodiversity Features:

This goal translates into:

- Protection of at least 5% of the original extent of natural areas;
- Protection of an additional 1058 ha of areas of conservation value; and
- Protection of Threatened Ecological Communities, Declared Rare Flora, Priority flora and fauna, and riparian and coastal vegetation.

Goal 3: Management – Manage Protected Natural Areas for Conservation:

This goal translates into:

- Active management of 100% of Local Government natural areas of conservation value;
- Active management of 50% of all other retained natural areas (1,659 ha), through provision of incentives for private land conservation and restoration; and
- Valuation of biodiversity assets and implementation of asset management plans.

Goal 4: Engagement – Increased Community Contributions to Biodiversity Conservation:

This goal translates into:

- Observable change in public and institutional language, values and priorities;
- Measured decrease in behaviors identified as threats;
- Measured increase in the time, money or resources contributed to biodiversity conservation;
- Observable increase in the biodiversity ‘proofing’ of policies; and
- Increase in evidence that the community are ‘acting as stewards for the environment’.

Goal 5: Regeneration - *Ensure the Rate of Regeneration Exceeds the Rate of Degradation:*

This goal translates into:

- Restoration of more than 1,500 ha of natural areas in the City;
- Measurable improvement in connectivity between natural areas and along ecological linkages; and
- Use of local offsets to over-compensate any future clearing of native vegetation.

Cultural & Heritage:

Natural areas are of cultural heritage value.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedent set by previous Council or Executive.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to clause 2.2 of both Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. REFUSE to adopt for final approval the 'Local Biodiversity Strategy'; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

Option 3:

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

1. DEFER the final approval the 'Local Biodiversity Strategy'; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The Geraldton area is included in one of only 34 global biodiversity hotspots, being both very high biodiversity value, yet also under significant threat. The City of Greater Geraldton and the Shire of Chapman Valley's policies and strategies show a commitment to environmental values, and to halting and reversing the observed trends towards collapse of local ecosystems. Recent surveys and forums have also shown community support for strong commitment towards conservation to preserve social, economic, cultural and intrinsic values and ecosystem services provided by natural areas.

The development of the LBS included substantial community and stakeholder engagement, and was formulated within a Stakeholder Engagement Plan designed to involve stakeholders in the planning process. The LBS notes that achieving the vision will require stronger action from government and must also provide for stronger support for local community groups and private landowners.

The LBS does not place any specific burden on any one individual or part of the community, and indeed an action of the LBS is to develop and support an incentive program for private landholder conservation.

Option 2 is not supported as the City's policies, strategies and results of community engagement show that the natural environment is highly valued and the reality is that less than 18% of native vegetation remains in the study area and nearly half of that may be lost through planned developments. It should also be noted that there are a number of private landowners who actively seek improved biodiversity outcomes on their own land and the LBS will assist those people.

Option 3 is not supported as the consideration of biodiversity is now fundamental in land use planning and the LBS provides the City with a strategic way of addressing this requirement. Additionally the LBS will be used to inform the preparation of the new Local Planning Strategy and Scheme and this process has recently commenced.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to clause 2.2 of both Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. DETERMINE the submissions outlined in the 'Schedule of Submissions'; and
2. ADOPT for final approval the 'Local Biodiversity Strategy', subject to the modifications outlined in the 'Schedule of Submissions'.

12 AUDIT AND RISK MANAGEMENT

Nil.

13 STRATEGIC & POLICY MATTERS

Nil.

14 OPERATIONAL MATTERS**SC121 2013 CHRISTMAS RETAIL TRADING HOURS**

AGENDA REFERENCE:	D-13-66662
AUTHOR:	J Ho, Coordinator, Economic Development
EXECUTIVE:	P Melling, Director of Sustainable Communities
DATE OF REPORT:	25 September 2013
FILE REFERENCE:	ED/3/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x4)

SUMMARY:

The purpose of this report is to seek Council's endorsement of the application for extension of trading hours for Christmas 2013.

If there is no application from the City, the metropolitan Christmas/New Year trading hours, endorsed by the Department of Commerce, will by default apply to the City of Greater Geraldton.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

In combination with the deregulation of the retail trading hours for Perth Metropolitan area on 26 August 2012, and the extended week night trading which commenced since 2010, general retail shops across the Perth metropolitan area can now trade throughout the year as follows:

Monday to Friday	8.00am to 9.00pm
Saturday	8.00am to 5.00pm
Sundays and Public Holidays (other than on Christmas Day, Good Friday and ANZAC Day)	11.00am to 5.00pm

These expanded trading arrangements ensure that there is no longer a package of metropolitan area Christmas trading extensions that can be offered to regional Local Government Authorities, as was the case in the past.

Accordingly, regional Local Government Authorities that seek to extend their retail trading hours over the 2013/2014 Christmas/New Year period will need to submit a temporary/short term retail trading hours adjustments application to the Department of Commerce for approval. The letter from the Department of Commerce is included as Attachment No. SC121A.

COMMUNITY CONSULTATION:

On 5 September 2013, the City wrote to the Midwest Chamber of Commerce and Industry (MWCCI), Centro Stirlings Shopping Centre and Northgate Shopping Centre informing them of the 2013 Christmas Trading Hours

Extension for Regional Government Authorities, with recommended trading hours based on the hours adopted by the Council in the 2012 Christmas period. The City invited them to consult their members/tenants and provide comment on the proposed Christmas trading hours' extension package at their earliest convenience.

On 10 September 2013, Centro Stirlings Shopping Centre wrote to the City and the letter is included as Attachment No. SC121B, suggesting the following extensions be adopted:

15 December 2013 (Sunday)	10.00am – 4.00pm
22 December 2013 (Sunday)	10.00am – 4.00pm
23 December 2013 (Monday)	8.00am – 9.00pm
26 December 2013 (Thursday)	10.00am – 5.00pm

On 19 September 2013, MWCCI wrote to the City and the letter is included as Attachment No. SC121C, suggesting the following extensions be adopted:

15 December 2013 (Sunday)	10.00am – 4.00pm
22 December 2013 (Sunday)	10.00am – 4.00pm

Based on MWCCI members' survey, there has not been sufficient support for the Chamber to endorse the trading hours' extension proposed on Friday, 20 December 2013 and Thursday, 26 December 2013 (Boxing Day Public Holiday).

On the same day, Northgate Shopping Centre has also put forward the following recommendation for Council's consideration which is included as Attachment No. SC121D:

1 December 2013 (Sunday)	10.00am – 4.00pm
8 December 2013 (Sunday)	10.00am – 4.00pm
15 December 2013 (Sunday)	10.00am – 4.00pm
18 December 2013 (Wednesday)	8.00am – 9.00pm
22 December 2013 (Sunday)	10.00am – 4.00pm
23 December 2013 (Monday)	8.00am – 9.00pm
26 December 2013 (Thursday)	10.00am – 5.00pm

COUNCILLOR CONSULTATION:

There has been no councillor consultation.

STATUTORY IMPLICATIONS:

Retail Trading Hours Act 1987.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

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

Key Result Area: Economy.

Outcome 4.1: Lifestyle and Vibrancy.

Strategy 4.1.3: Revitalising the CBD through economic, social and cultural vibrancy.

Regional Outcomes:

Opening the additional hours will allow residents from towns in the surrounding region increase opportunity to spend within the City of Greater Geraldton retail sector and contribute to the City of Greater Geraldton economic pool.

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

Opening retail outlets for the additional hours during the Christmas/New Year period 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 towns 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 during these additional hours.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

Precedent was set in 2009, by adopting a package of Christmas/New Year trading hours that was a compromise between recommendations from the Department of Commerce, MWCCI, Centro Stirlings and Northgate Shopping Centre. This was continued in 2011 and 2012.

2009 Adopted Package:

Sunday 13 Dec 2009	10.00am – 5.00pm
Sunday 20 Dec 2009	10.00am – 5.00pm
Wednesday 23 Dec 2009	8.00am – 9.00pm
Thursday 24 Dec 2009	8.00am – 6.00pm
Sunday 27 Dec 2009	10.00am – 5.00pm*
Tuesday 29 Dec 2009	8.00am – 9.00pm*
Wednesday 30 Dec 2009	8.00am – 9.00pm*
Thursday 31 Dec 2009	8.00am – 6.00pm*
Sunday 3 Jan 2010	10.00am – 5.00pm*

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

2010 adopted package:

Sunday 12 Dec 2010	10.00am – 5.00pm
Sunday 19 Dec 2010	10.00am – 5.00pm
Monday 20 Dec 2010	8.00am – 9.00pm
Tuesday 21 Dec 2010	8.00am – 9.00pm
Wednesday 22 Dec 2010	8.00am – 9.00pm
Friday 24 Dec 2010	8.00am – 6.00pm
Tuesday 28 Dec 2010 (public holiday)	8.00am – 5.00pm

2011 adopted package:

Sunday 11 December 2011	10.00am – 4.00pm
Sunday 18 December 2011	10.00am – 4.00pm
Friday 23 December 2011	8.00am – 9.00pm
Tuesday 27 December 2011 (Boxing Day, Public Holiday)	8.00am – 5.00pm

2012 adopted package:

Sunday 16 December 2012	10.00am – 4.00pm
Friday 21 December 2012	8.00am – 9.00pm
Sunday 23 December 2011	10.00am – 4.00pm

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. ADOPT an alternate package of retail trading extensions to the Christmas/New Year trading hours, as follows:
 - a. _____
 - b. _____
 - c. _____;
2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. To be determined by Council.

Option 3:

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

1. ADOPT the 2013 Christmas retail trading package as per the deregulated trading hours in Perth Metropolitan areas adopted on the 26 August 2012 by the Minister for Commerce, as follows:

a) Monday to Friday	8.00am – 9.00pm
b) Saturday	8.00am – 5.00pm
c) Sunday & Public Holidays (other than on Christmas Day, Good Friday & ANZAC Day)	11.00am – 5.00pm

2. MAKES this determination based on the following:
 - a. To be determined by Council.

Option 4:

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

1. ADOPT the 2013 Christmas retail trading package as recommended by the Midwest Chamber for Commerce and Industry:

15 December 2013 (Sunday)	10.00am – 4.00pm
22 December 2013 (Sunday)	10.00am – 4.00pm

2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. To be determined by Council.

Option 5:

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

1. ADOPT the 2013 Christmas retail trading package as recommended by Centro Stirlings Shopping Centre:

15 December 2013 (Sunday)	10.00am – 4.00pm
22 December 2013 (Sunday)	10.00am – 4.00pm
23 December 2013 (Monday)	8.00am – 9.00pm
26 December 2013 (Thursday)	10.00am – 5.00pm

2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. To be determined by Council.

Option 6:

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

1. ADOPT the 2013 Christmas retail trading package as recommended by the Northgate Shopping Centre:

1 December 2013 (Sunday)	10.00am – 4.00pm
8 December 2013 (Sunday)	10.00am – 4.00pm
15 December 2013 (Sunday)	10.00am – 4.00pm
18 December 2013 (Wednesday)	8.00am – 9.00pm
22 December 2013 (Sunday)	10.00am – 4.00pm
23 December 2013 (Monday)	8.00am – 9.00pm
26 December 2013 (Thursday)	10.00am – 5.00pm

2. APPLY to the Minister for Commerce to reflect this adoption; and
3. MAKES this determination based on the following:
 - a. To be determined by Council.

CONCLUSION:

The package suggested by the MWCCI offers little option for traders to exercise their discretion to trade additional hours during the 2013 Christmas period. On the other hand, the package recommended by the Northgate Shopping Centre may put additional pressure to the local/small retailers and their employees to work extra hours during this festive season.

For these reasons the executive recommendation is an adaptation of the packages recommended by the MWCCI and Centro Stirling Shopping Centre. It also takes into consideration that all retailers are able to exercise their individual discretion regarding whether or not to trade during the approved hours.

Due to the required timeline for applications to the Minister for Commerce, deferral of this item will result in automatic approval of the Department of Commerce recommended package.

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 Christmas/New Year retail trading hour:
 - a. 15 December 2013 (Sunday) – 10.00am to 4.00pm;
 - b. 22 December 2013 (Sunday) – 10.00am to 4.00pm;
 - c. 23 December 2013 (Monday) – 8.00am to 9.00pm; and
2. APPLY to the Minister for Commerce to reflect this adoption.

SC120	REVISED OUTLINE DEVELOPMENT PLAN – ALEXANDER AND MOLONEY STREETS, UTAKARRA
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AGENDA REFERENCE:	D-13-66628
AUTHOR:	M Thomson, Strategic Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	24 September 2013
FILE REFERENCE:	LP/11/0014
APPLICANT / PROPONENT:	Peter D Webb and Associates
ATTACHMENTS:	Yes (x2)

SUMMARY:

The City has received an application to modify the existing Outline Development Plan (ODP) over Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakarra.

This report recommends final approval of the revised ODP and that it be forwarded to the WA Planning Commission for its endorsement.

PROPONENT:

The proponent is Peter D Webb and Associates on behalf of the owner Mary Donald Nominees Pty Ltd.

BACKGROUND:

In August 2007 the land was rezoned to the 'Residential Development' zone and subsequently in March 2008 an ODP was endorsed by the WA Planning Commission. The existing ODP is included as Attachment SC120A.

The proponent now seeks to modify the ODP by introducing a more appropriate range of lot densities, including R12.5 and R20 for single residential development and R30 for grouped dwelling development, in order to provide a greater choice of housing for the community. The revision also proposes to reinstate the future Neighbourhood Connector Road reserve (formerly known as the "Utakarra Bypass").

The subject land has an area of 26.621 hectares, is currently vacant and predominantly cleared. It adjoins the residential area commonly known as "Alexander Parklands".

The revised ODP proposes an approximate total yield of 265 lots, with 150 lots proposed at a density of R12.5 and 115 lots at a density of R20. The proposed yield is slightly higher than the existing endorsed ODP which had a total yield of 204 lots.

The proposed revisions to the ODP seek to ensure a more appropriate range of housing choices are provided to cater for the main demographic choosing to locate in this area, which includes both young families and those members of the community requiring larger land areas to facilitate the storage of boats and caravans etc.

The proposed ODP seeks to retain a large portion of the site for subdivision into R12.5 density lots (800m²), which ensures that a sufficient amount of land is provided for storage. In order to accommodate young families, the ODP has been revised to incorporate R20 density lots (450m²), provide a more affordable housing option. The R20 lots are designed immediately adjacent and nearby the areas of POS, which ensures these young families are provided with easily accessible recreational areas.

The overall design aims to achieve maximum legibility and connectivity, with direct road connections to the residential areas on the eastern side of Moloney Street and to the southern end of Lot 1 Moloney Street to link with Samuel Place and the residential area to the west. In addition, two future road connections to Lot 800 are also provided.

The City's intention is to 'reinstate' the former "Utakarra Bypass" road reserve to the south of the subject land for a 'Neighbourhood Connector'. This road reserve will ultimately link Highbury Street to the west with Polo Road to the east and then further over the Chapman River to the Moresby area.

Two POS areas are proposed comprising a combined total land area of 2.593 hectares. This includes the already constructed POS which is located at the northern end of Lot 2185 fronting Alexander Street. A second, centrally located, POS area is proposed to ensure all residents are provided with accessible recreational areas within 400 metres walking distance, in accordance with the principles of Liveable Neighbourhoods.

A copy of the revised ODP is included as Attachment SC120B.

COMMUNITY CONSULTATION:

There has been no Community Consultation.

In accordance with the requirements of the Scheme (refer to Statutory Implications section of this report) minor modifications are not required to be publicly advertised.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The subject land is zoned 'Residential Development' under Town Planning Scheme No. 3 (Geraldton). The intent of the zone is to allow for the progressive development for residential, commercial and other uses normally associated with residential development. The 'Residential Development' zone also requires development and subdivision to be in accordance with an Outline Development Plan.

Clause 4.16 (g) of the Scheme provides for the alteration to an ODP as follows:

- (g) *If the Council considers that a proposed departure from or alteration to an approved Outline Development Plan will not prejudice the progressive development of an area and is in the interest of orderly and proper planning, the Council may resolve either:*
- (i) *not to advertise the departure or alteration due to its anticipated minimal impact on the development of the area and forward the departure or alteration to the Commission for adoption; or*
 - (ii) *advertise the departure or alteration in accordance with the provisions of clauses 4.16 (c) to (e) inclusive.*

It is considered that the modifications are minor in nature and have minimal impact on development in the area.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

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

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

- Goal 5: Governance – Inclusive civic and community engagement and leadership.
- Outcome 5.2: Planning and Policy.
- Strategy 5.2.1: Responding to community aspirations by providing creative yet effective planning and zoning for future development.

Regional Outcomes:

Geraldton Region Plan and Greater Geraldton Structure Plan:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject land is identified as 'urban' on the structure plan.

Liveable Neighbourhoods:

Liveable Neighbourhoods is a WAPC operational policy for the design and assessment of outline development plans and subdivision for new urban

areas. The ODP provides a contemporary planning framework which is consistent with Liveable Neighbourhoods.

Residential Development Strategy:

The Strategy is a response to the changing local and regional economic environment and the need to provide a logical, coherent, highly liveable and sustainable model for residential development in the City to meet the needs of all residents and build strong communities. It broadly indicates the extent of residential and future residential land along with existing and proposed rural living areas. The subject land is identified as “Single Density Residential (R10 – R25)”.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The ODP will facilitate future residential development.

Social:

The proposed revisions to the ODP seek to provide R20 lots for young families seeking more affordable housing options.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no culture and heritages issues.

RELEVANT PRECEDENTS:

Council at its meeting held on the 14 August 2007 resolved to support the existing ODP which was subsequently endorsed by the WA Planning Commission.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to adopt the revised Outline Development Plan for Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakarra; and
2. MAKES the determination based on the following reason:

- a. To be determined by Council

Option 3:

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

1. DEFER the adoption of the revised Outline Development Plan for Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakarra; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The proposed revisions to the ODP seek to introduce a more appropriate range of lot densities in order to provide a greater choice of housing for the community in this locality as well as to maximise connectivity and legibility.

Option 2 is not supported as the proposed revisions to the ODP provides a more appropriate range of housing choices to cater for the main demographic choosing to locate in this area, which includes both young families and those members of the community requiring larger land areas to facilitate the storage of boats and caravans etc.

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

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the revised Outline Development Plan for Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakarra; and
2. FORWARD the revised Outline Development Plan to the WA Planning Commission for its endorsement.

CCSO11 THE GERALDTON-GREENOUGH RIFLE CLUB (INC) – REQUEST FOR DONATION TO COVER RATES
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AGENDA REFERENCE:	D-13-70446
AUTHOR:	M Jones, Senior Treasury Officer
EXECUTIVE:	B Davis, Director of Corporate & Commercial Services
DATE OF REPORT:	10 October 2013
FILE REFERENCE:	FM/19/0006
APPLICANT / PROPONENT:	Geraldton Greenough Rifle Club Inc.
ATTACHMENTS:	Yes

SUMMARY:

The Geraldton-Greenough Rifle Club (Inc) has requested that Council continue to reimburse payment of rates for its properties at Lots 77 & 1106 McCartney Road, Greenough by way of an annual donation. This report seeks Council to consider if this agreement previously put in place by the Shire of Greenough, in response to transfer of parts of the land holding structures of significant heritage value to the Shire is to continue and for what period.

PROPONENT:

The proponent is the Geraldton Greenough Rifle Club Inc.

BACKGROUND:

In 1992 the West Australian Rifle Association purchased the land at Lots 77 & 1106 McCartney Road, Greenough on a trust basis for the Geraldton Greenough Rifle Club (Inc) (GGRC). Chronological background to the acquisition and subsequent arrangements is provided as an attachment to this report.

The Rifle Association subsequently transferred two parcels of land located on the Range containing structures of heritage value to the Shire of Greenough. Value of the land transferred to the Council exceeded \$100,000. In exchange for the transfer, the Shire of Greenough agreed to waive rates on the land used as the Rifle Range.

From 1992 until 2006 the Shire of Greenough waived rates on the rifle range. Since 2006 the City of Geraldton Greenough and the City of Greater Geraldton have reimbursed the GGRC the cost of their annual rates as a Mayoral Donation. That mode of concession is no longer appropriate, as funds appropriated for the purposes of Mayoral Donations are not intended to be the source of annual recurrent concessions. An application was submitted to fund this reimbursement of the rates via a recurrent grant and at the meeting of the Community Grants Committee on 10th October 2013, it was recommended not to support such a request via a recurrent grant on the basis that this request did not fit within the general intent applied to this stream of funding by Council to the Community.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no specific Councillor consultation.

STATUTORY IMPLICATIONS:

Section 6.26(2) of the Local Government Act 1995 defines land that is not rateable land. The land in question does not satisfy any of the provisions of sections 6.26(2) of the Act, and is therefore rateable land. Council is therefore obliged to impose rates on the land.

Section 6.47 of the Act empowers a Council to waive rates or grant other concessions:

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

Section 6.8 of the Local Government Act 1995 requires any expenditure not included in the annual budget to be authorised by Absolute Majority.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Approval of this request will cost the City \$4,304.66 in 2013-14 if the rates are reimbursed (note: the Association is responsible to pay for the ESL which is a nominal amount – currently \$60). This represents an additional budget expense and will require Council authorisation to amend the Current Budget.

If Council was to decide to grant a concession to waive rates then this would impact on rates revenue for 2013-14 as per the amount noted above.

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

Goal 3	Social
Outcome 3.1	Recreation & Sport
Strategy 3.1.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle

Regional Outcomes:

There are no regional outcomes associated with this matter.

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

There are no economic impacts associated with this matter.

Social:

The City notes that the Rifle Club allows use of the range by Federal and State agencies, and makes ongoing provision for use of part of its land by the Archery Club.

Environmental:

There are no environmental impacts associated with this matter.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are no directly relevant precedents wherein the Council or its predecessor Councils have resolved to provide for reimbursement of rates or to waive rates, on freehold land held by a sports or recreation body, in return for transfer of certain land portions with structures of heritage value to the Council for the National Trust. This matter, originally determined by the Shire of Greenough in 1992, is unique.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Absolute majority is required to grant a concession on rates and/or reimburse via donation back to the Association.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority under section 5.20 of the Local Government Act 1995 RESOLVES to:

1. DEFER consideration of the application by the GGRC for reimbursement of their rates on the properties at Lots 77 & 1106 McCartney Road, Greenough;
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 3:

That Council by Absolute Majority under section 6.47 of the Local Government Act 1995 RESOLVES to:

1. WAIVE rates on the properties at Lots 77 & 1106 McCartney Road, Greenough;
2. MAKES the determination based on the following reasons:
 - a. To be determined by Council.

CONCLUSION:

The transfer of land in 1992 to the previous Shire of Greenough for the National Trust has been considered as appropriate justification by Councils since 1992 to waive or reimburse annual rates on the WA Rifle Association properties utilised by the Geraldton Greenough Rifle Club. Whether that justification remains appropriate is a matter for Council determination.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority under section 6.8 of the Local Government Act 1995 RESOLVES to:

1. AUTHORISE an annual donation to the Geraldton Greenough Rifle Club equivalent to the rates levied on the properties Lot 77 & Lot 1106 McCartney Road Greenough.
2. MAKES the determination to grant this donation for the following period:
 - a. To be determined by Council.

15 REPORTS TO BE RECEIVED

REPORTS TO BE RECEIVED	
AGENDA REFERENCE:	D-13-69470
AUTHOR:	K Diehm, Chief Executive Officer
DISCLOSURE OF INTEREST:	No
FILE REFERENCE:	GO/6/0002
DATE OF REPORT:	7 October 2013

BACKGROUND:

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

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

ADMINISTRATIVE COMMENT:

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

<i>Reports of Corporate and Commercial Services</i>	
CCS009	Report to be Received – Statement of Financial Activity to 30 September 2013
CCS010	Confidential – Report to be Received – List of Accounts Paid Under Delegation to 30 September 2013
<i>Reports of Sustainable Communities</i>	
SCDD0079	Delegated Determinations
SCED0051	Minutes of the International Relations Development Advisory Committee (IRDAC) Meeting – 16 September 2013
<i>Reports of Creative Communities</i>	
CC130	Report to be Received – Australia Day Committee Meeting – 27 August 2013
CC131	Report to be Received – Reconciliation Committee Meeting – 17 September 2013
CC132	Report to be Received – Art Gallery Committee Meeting – 19 June 2013
CC133	Report to be Received – Heritage Advisory Committee Meeting – 19 September 2013
CC134	Report to be Received – Art Gallery Committee Meeting – 18 September 2013
CC135	Report to be Received – Australia Day Committee Meeting – 1 October 2013

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:**PART A**

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

1. RECEIVE the following appended reports:
 - a. Reports – Sustainable Communities
 - i. SCD079 – Delegated Determinations; and
 - ii. SCED0051 - Minutes of the International Relations Development Advisory Committee (IRDAC) Meeting – 16 September 2013.
 - b. Reports – Creative Communities:
 - i. CC130 - Report to be Received – Australia Day Committee Meeting – 27 August 2013;
 - ii. CC131 - Report to be Received – Reconciliation Committee Meeting – 17 September 2013;
 - iii. CC132 - Report to be Received – Art Gallery Committee Meeting – 19 June 2013
 - iv. CC133 - Report to be Received – Heritage Advisory Committee Meeting – 19 September 2013;
 - v. CC134 - Report to be Received – Art Gallery Committee Meeting – 18 September 2013; and
 - vi. CC135 - Report to be Received – Australia Day Committee Meeting – 1 October 2013

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Department of Treasury and Finance;
 - i. CCS009 - Report to be Received – Statement of Financial Activity to 30 September 2013; and
 - ii. CCS010Confidential – Report to be Received – List of Accounts Paid Under Delegation to 30 September 2013.

16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

19 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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