



ORDINARY MEETING OF COUNCIL
MINUTES

24 APRIL 2012

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 24 APRIL 2012 AT 5.30PM
CHAMBERS, EDWARD ROAD

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 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

The Presiding Member declared the meeting open at 5.30pm.

3 ATTENDANCE

Present:

Mayor I Carpenter
Cr N McIlwaine
Cr R Ashplant
Cr N Bennett
Cr D Brick
Cr C Gabelish
Cr J Clune
Cr P Fiorenza
Cr R D Hall
Cr N Messina
Cr I Middleton
Cr R Ramage
Cr S Van Styn

Officers:

A Brun, Chief Executive Officer
P Melling, Director of Sustainable Communities
C Wood, Director of Corporate Services

B Davis, Director of Commercial Enterprises
A Selvey, Director of Creative Communities
N Arbutnot, Director of Community Infrastructure
S Smith, Manager Library, Acting Director of Creative Communities
S Moulds, PA to the Chief Executive Officer
K Seidl, Manager Community Law & Safety
C Wing, Chief Bushfire Control
D Gibson, Senior Building Surveyor
S Chiera, PR Coordinator

Others:

Members of Public: 2
Members of Press: 1

Apologies:

Cr G Bylund

Leave of Absence:

Cr T Thomas

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.

Dennis Gilleland, 11 Nigel Crescent, Geraldton

Question

When (and if) the Grand Stand is demolished will the area be landscaped immediately as part of the Demolition Project?

Response

Yes. Any demolition will ensure the area is landscaped to allow usage.

Question

When (and if) the Grand Stand is Demolished will the Flood lights attached to the grand Stand be immediately replaced as part of the Demolition Project.

Response

Yes, floodlighting will be replaced.

Ms Monica Sullivan, 291 Marine Terrace, Geraldton

SC043 Proposed Rescinding of the CBD West End Project Detailed Area Plan and Design Guidelines, Geraldton

Question

This question is in respect to Item SC043 of the Agenda, being the proposed revocation of the DAP and Design Guidelines for the CBD West End Project. Greg Rowe and Associates is acting as planning consultants on behalf of the landowners of precinct areas B, C and D and has been engaged in this role since last week's Agenda Forum.

The Agenda item states that the City provided written advise to the landowners in a letter dated 27th February 2012 requesting any comments on the proposed revocation be received by 30th March 2012. This letter was not received by the landowners until 13th April 2012, which was after the proposed deadline and not sufficient time to generate a meaningful response by the Agenda Forum on the 17th April. As such, the landowners believe that they have not had adequate time to consider the proposal and draft a response as per the City's original request. They are respectively seeking a deferral of the mater for no more than 2 months in order to do so.

The intention of the deferral will be to allow town planning consultants Greg Rowe and Associates to undertake a detailed investigation into the existing DAP and ascertain what elements, if any, are worth preserving within the City Centre Local Planning Policy. Should the deferral be supported, the landowners are seeking to provide a formal response to Council by 30th April 2012, which will allow the matter to be further considered at the 1st May or 5th June Agenda Forum. The landowners are not necessarily seeking to change the Officer's recommendation with respect to this matter, however they are seeking adequate time to consider whether any of the work done on the current DAP can be preserved to avoid unnecessary duplication.

We would also like to advise Council that whilst the corporate entity Geraldton Investments Pty Ltd has remained the same since the DAP was adopted in 2009, the management of that entity has changed and the new management looks forward to the opportunity to work in partnership with Council to achieve the development potential of the West End.

In summary, we are asking whether Council would see any prejudice in granting a deferral of the matter outlined in Item SC043 for a period of no longer than 2 months in order to allow for the landowner's planning consultants to investigate the existing DAP and determine whether there are any elements worth preserving.

Response

The City does not accept that correspondence was not received by Geraldton Investments Pty Ltd in time to respond. The City has received e-mails from them and been in contact since the Agenda Forum.

The City has repeatedly tried to contact Geraldton Investments Pty Ltd who have failed to respond or provide advice.

Question

Cr McIlwaine asked if Greg Rowe & Associates Clients could provide a report to Council by 30 April 2012.

Response

Ms Sullivan advised that they would lose their chance if they didn't respond by the 30 April 2012.

Mr D W king, 18C Queen Street, Geraldton

CC060 Recreation Ground Grand Stand

Question

In 2004 City of Geraldton in its Budget put aside \$280,000 specifically for repairs to the Grandstand. Why was this allocated money not used and is it still in reserve?

Response

The funds merged in to Asset Renewal Fund. The original allocation wasn't enough for the works required.

Question

In 2008, When the Stand was condemned and roped off by the City of Geraldton – who whose authority and on what grounds was this done?

Response

This question is Taken on Notice, but the Health and Engineering teams would have an obligation for who has access to that site, based on reports received.

Statement

My understanding is that the structure is steel framed and in good condition. The side concrete walls need repairs but bare no weight and the seating should never have been constructed with non marine ply sheeting.

The changerooms behind are in good condition and need only normal maintenance.

Response

The statements would not be disputed. There is a direct opportunity to refurbish in the order of \$1.5m. If the Grand Stand was to be demolished the change rooms at the rear would remain.

6 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION****MOVED CR MESSINA, SECONDED CR MCILWAINE**

Cr C Gabelish request the leave of absence for the period 13 May to 18 May inclusive be approved.

CARRIED 13/0

COUNCIL DECISION**MOVED CR MESSINA, SECONDED CR MCILWAINE**

Cr G Bylund request the leave of absence for the period 25 April to 31 July 2012 be approved.

CARRIED 13/0

Existing Approved Leave

April	From	To (inclusive)
Cr T Thomas	23 April 2012	30 April 2012

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Nil.

8 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Robert Hall declared a direct financial interest in Item CE038, Amalgamation of Reserves – Geraldton Regional Aboriginal Medical Service (Grams) and Combined Universities Centre for Rural Health (CucrH) And the Proposed Dedication of Howes Street as a Public Road, as his wife works for CURCH.

Cr Shane Van Styn declared an indirect financial interest in Item CE038, Amalgamation of Reserves – Geraldton Regional Aboriginal Medical Service (Grams) And Combined Universities Centre for Rural Health (CUCRH) And the Proposed Dedication of Howes Street as a Public Road, as he is an Accountant for Carnarvon AMS.

Cr Robert Ramage declared a Direct Financial Interest in Item SC043 Proposed Rescinding of the CBD West End Project Detailed Area Plan And Design Guidelines, Geraldton as he is the owner of property in the area.

**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 27 March 2012 as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR HALL, SECONDED CR BRICK

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Greater Geraldton held on 27 March 2012 as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 13/0

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	REPRESENTATIVE
27th March 2012	Ordinary Meeting of Council	Mayor Ian Carpenter
29th March 2012	Heritage Advisory Committee	Mayor Ian Carpenter
29th March 2012	Citizenship Ceremony	Mayor Ian Carpenter
30th-31st March 2012	Northern Country Zone Conference and Members Training	Mayor Ian Carpenter
3rd April 2012	Blessing of the Roads	Mayor Ian Carpenter
3rd April 2012	Concept Forum 2012	Mayor Ian Carpenter
5th April 2012	ANZAC Peace Service - Geraldton Senior College	Mayor Ian Carpenter
5th April 2012	ABC Radio Interview/Roadwise Easter	Mayor Ian Carpenter
10th April 2012	Meeting with Hon Mia Davies	Mayor Ian Carpenter
10th April 2012	Opening of Rosella House Renovations	Mayor Ian Carpenter
10th April 2012	Meeting with Barry Haase MP	Mayor Ian Carpenter
12th April 2012	Meeting with Hon Philip Gardiner	Mayor Ian Carpenter
12th April 2012	Grants Commission Meeting	Mayor Ian Carpenter
13th April 2012	Citizenship Ceremony	Mayor Ian Carpenter
16th April 2012	Lunch Send Off for Camp Quality	Mayor Ian Carpenter
17th April 2012	Agenda Forum	All Councillors
17th April 2012	Meeting with CEO, Mayor and Deputy Mayor of Greater Geraldton	Mayor Ian Carpenter
18th April 2012	Meeting with Hon Matt Benson	Mayor Ian Carpenter
18th April 2012	FIFO Hearing - Perth	Mayor Ian Carpenter
18th April 2012	Allannah Lucas DG Culture & Arts	Mayor Ian Carpenter
19th April 2012	Draft Sporting Futures Workshop with AECOMM	All Councillors
19th April 2012	Event for His Excellency Mr Malcolm McCusker AC CVO QC	All Councillors
21st April 2012	Walk through Farmers Markets to Museum via Foreshore with His Excellency Mr Malcolm McCusker AC CVO QC	Mayor Ian Carpenter
21st April 2012	Valley View Vintage Military Drive & Flying Opening	Mayor Ian Carpenter
24th April 2012	Meeting with Brendan Grylls	Mayor Ian Carpenter
24th April 2012	Ordinary Meeting of Council	All Councillors

11 SIGNIFICANT STRATEGIC MATTERS

Nil.

MOVED CR FIORENZA AND SECONDED, CR S VAN STYN

That Council RESOLVES to BRING forward *Elected Members Motions Of Which Previous Notice Has Been Given* - Item CC060 Recreation Ground Grand Stand - to the beginning of the meeting.

CARRIED 13/0**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

CC060	RECREATION GROUND GRAND STAND
AGENDA REFERENCE:	D-12-16579
AUTHOR:	Cr R Ashplant
DATE OF REPORT:	30 March 2012
FILE REFERENCE:	GO/6/0008
APPLICANT / PROPONENT:	Council
ATTACHMENTS:	No

Councillor Comment

As I have become increasingly frustrated with the lack of decision, and the deteriorating State of the grandstand at the recreation ground. I have never believed that the grand stand should be linked with the sporting futures, because it has been identified as a health and safety liability, the longer that it is hidden within the sporting futures the greater the liability risk, not only to the City, but just as importantly to the residents around the facility.

Executive Comment

The Recreation Ground Grandstand, which is a component of the Recreation Ground Management Plan (2008), was the subject of an agenda item to Council on 28 September 2010 and following was the resultant Council resolution.

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

That Council by Absolute Majority pursuant to s.6.8 of the Local Government Act (as amended) RESOLVES to RELEASE \$25,000 from the City Building Construction Reserve – Reserve 190 for:

- a. *The development of concept plans and cost estimates (with life cycle costings) for the removal of the Recreation Ground Grandstand to be replaced with structure/s that includes;*
 - *seating that is shaded*
 - *visitors change rooms*
 - *public toilets*
 - *broadcasting area*
 - *first aid room;*
 - b. *To update 2008 cost estimates to redevelop the Recreation Ground Grandstand as per the Recreation Ground Management Plan (to include life cycle costings).*
 - c. *To provide cost estimates for the refurbishment of the existing Recreation Ground Grandstand based on its current facilities(to include life cycle costings)*
- AND**

- d. *That all cost estimates for a, b and c to be provided in their individual components of work to enable cost comparison.*

CARRIED BY ABSOLUTE MAJORITY 11/0

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: The amended resolution gives Council/Community the ability to be more informed on the cost and effectiveness of the replacement grandstand and ancillary facilities.

The contract to progress the Council resolution was awarded to Eastman Poletti Sherwood. Eastman Poletti Sherwood provided their report addressing the items as required by the Council resolution in January 2012. This report is being analysed by officers and will be included as part of the Sporting Futures Report. Options from this report are as follows;

Option 1:

Allowance has only been made to repair existing finishes to make safe and not replace. Opinion of Cost is only indicative without full detail investigation of structure and scoping of required works.

Cost: \$253,000 inc GST

Option 2:

The quantity Surveyor has upgraded costings provided with 2008 Master planning report previously submitted to the City of Greater Geraldton, these have been upgraded to January 2012 prices.

Cost: \$2,599,300 (upgrade existing grandstand including new facilities)

Option 3:

A more detailed take off of costs has been undertaken

Cost: \$2,918,410 (New Stadium)

RISK

While the City has received some reports that sets out the condition of the Grandstand, the Officer's assessment is that refurbishment of the existing Grandstand (shade and seating structure) is unrealistic. Other reports repudiate this view. The building is deteriorating and has been closed to the public since 2007, as structural defects prohibits use by the public.

There has been no attempt to hide the Recreation Ground in the Draft Sporting Futures process. The Executive has been working to progress the 28 September 2010 Council resolution.

The Executive is mindful that there is no funding currently available from within Council appropriations or external grant funds to construct a replacement facility (or to undertake a complete refurbishment). Any consideration of progressing the project in the 2012/13 budget should be done within the context of the overall capital works budget which has limited flexibility.

Any decision by Council to prioritise this project next year would require one of the three following associated decisions:

- Increase in rates over and above planned increases) to fund either the works in that financial year or any loan funds;
- The removal of other planned capital works expenditures and projects (which may or may not have a higher community demand or priority);
or
- Approval to operate the budget in deficit.

It is noted that there is recognition of the priority of this project, the Recreation Ground Redevelopment (Stage 1 – Grandstand renewal or replacement) through its listing in the Draft Sporting Futures Report as a high priority pending Council's endorsement of the final report. The final Sporting Futures Report is anticipated to be presented to Council by July 2012. Progress of this project outside the framework of Sporting Futures could set a precedent that exposes Council to pressure to progress other projects as individual projects, without the context of the overall need as identified in the Draft Sporting Futures Report.

Further, in the overall context Council needs to be mindful of its total infrastructure and works allocations across a wide range of portfolios such as roads, drainage, paths, open space and buildings. When considering determining a priority, this should be done as part of the broader larger community and servicing demands, and only within that broader context, to also consider the relativities of allocations to sporting infrastructure and then individual projects, such as the proposed Recreation Ground Grand Stand.

VOTING REQUIREMENTS:

Simple Majority is required.

COUNCILLOR MOTION:

That Council by Simple Majority RESOLVES to:

1. REFURBISH the Recreation Ground Grand Stand (inclusive of the shade and seating structure, toilet and change room facilities, umpire room, including canteen if the project can be delivered within budget) situated at the Recreation Ground before the start of the 2013 football season;
2. REFER \$1.5million to fund the refurbishment to the 2012/2013 budget for consideration;
3. REMOVE the Recreation Ground Grand Stand Project from Sporting Futures;
4. MAKES the determination on the following grounds:
 - a. A decision on the future of the Recreation Ground Grand Stand needs to be made as a priority;
 - b. The Recreation Ground Grand Stand Project is the renewal and refurbishment of an unusable facility, not an aspirational improvement or enhancement.

COUNCIL DECISION**MOVED CR ASHPLANT, SECONDED CR BENNETT****That Council by Simple Majority RESOLVES to:**

- 1. REFURBISH the Recreation Ground Grand Stand (inclusive of the shade and seating structure, toilet and change room facilities, umpire room, including canteen if the project can be delivered within budget) situated at the Recreation Ground before the start of the 2013 football season;**
- 2. REFER \$1.5million to fund the refurbishment to the 2012/2013 budget for consideration;**
- 3. REMOVE the Recreation Ground Grand Stand Project from Sporting Futures;**
- 4. MAKES the determination on the following grounds:**
 - a. A decision on the future of the Recreation Ground Grand Stand needs to be made as a priority;**
 - b. The Recreation Ground Grand Stand Project is the renewal and refurbishment of an unusable facility, not an aspirational improvement or enhancement; and**
 - c. That the executive and the professional engineering staff of Council at the meeting have advised they have a differing opinion of the adequacy of the building and its capacity to be refurbished within the budget of \$1.5m as previously advised in the Council Agenda.**

CARRIED 11/2

13 AUDIT AND RISK MANAGEMENT

CC055	FIRE RESPONSIBILITIES IN THE CITY OF GREATER GERALDTON
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AGENDA REFERENCE:	D-12-15958
AUTHOR:	K Seidl, Manager Community Law Safety and A Darbyshire, Chief Bushfire Control Officer
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	16 March 2012
FILE REFERENCE:	ES/4/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

SUMMARY:

The objective of this report is request Council endorse additional resourcing over the City of Greater Geraldton current levels to ensure the City has an adequate resource to mitigate and attend to fire risks and ensure compliance with the Bush Fires Act 1954.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Within Western Australia the Hazard Management Authority for Bushfire is Local Government. With this comes a responsibility to effectively manage land Council owns or is responsible for in terms of mitigating the risk of fire. The City of Greater Geraldton (CGG) has a broad area of responsibility that covers 12,500 square kilometres of land. It is worth noting the increase in 10,700 square kilometres in land area responsibility and an additional 7 Bush Fire Brigades following the amalgamation with the Shire of Mullewa. The City of Greater Geraldton now has 11 Bushfire Brigades.

To manage that responsibility the City in partnership with the Fire and Emergency Services Authority of Western Australia (FESA) employs a Community Emergency Services Manager (CESM). The CESM also occupies the Council position of Chief Bushfire Control Officer as endorsed by Council. The role of the CESM is broad and includes education and building community resilience to the management of brigades and fires in the Greater Geraldton area.

A change to the Bush Fires Act in 2010 has meant that FESA now impose Total Fire Bans (TFB) on all activities likely to start a fire in the open. Local Government now have an increased responsibility in this area as during a Total Fire Ban Local Governments are required to impose Harvest Bans when the Fire Danger Index exceeds 35 (otherwise Harvesting is exempt); this process requires monitoring, consultation, administration and compliance. The 2011 report into the Perth Hills Bushfires have several implications for Local Government to consider and in effect it will only be possible to address

with additional resources. Failure to respond to these recommendations could put the Council at risk of criticism or litigation following a major fire event.

Other Local Government areas have been communicated with such as the City of Swan, City of Bunbury, Shire of Mundaring, Shire of Kalamunda, City of Wanneroo and the City of Cockburn. Observations from this communication indicate additional human resources to the CESM are allocated to the management of local government bush fire/emergency management responsibilities and the recruitment, retention and training of bushfire volunteers.

In previous years and currently, the Community Law and Safety Rangers Team work with the Works and Parks Teams to identify Fire Prevention measures for City managed land and identify priorities. While this has been sufficient in the past a better structure to manage this and a dedicated officer for overall supervision of this will be required.

As a result of recent events in the Perth Hills and Margaret River an analysis of City responsibilities under the Bush Fire Act (attached) has been conducted and has identified that additional resources are required. The reports produced following inquiries into the Perth Hills Bushfire and the Margaret River Bushfires in 2011 titled 'A Shared Responsibility' and 'Appreciating the Risk' respectively have had implications for Local Government to consider. These have been summarised in the attached document *Recommendations for Local Government following the reports 'A Shared Responsibility' (Report of the Perth Hills Bush Fire February 2011) and 'Appreciating the Risk' (Report into the Margaret River Bush Fire November 2011)*. A link to the reports is provided within the attachment.

COMMUNITY CONSULTATION:

Community consultation on all matters relating to Bushfire within CGG has occurred through the CGG Bushfire Advisory Committee. This proposal to enhance the structure of the City of Greater Geraldton Fire Prevention and Response capacity was raised with no objection. There is strong support from volunteer Bushfire Captains and Fire Control Officers for the City to increase staff employed for fire related duties to better mitigate fire risks to themselves and the community.

COUNCILLOR CONSULTATION:

There has been no Councillor Consultation in relation to this matter.

STATUTORY IMPLICATIONS:

CGG Local Laws include:

- *Bushfire Brigades Local Law* (deals with the structure and responsibilities of BFB's)
- *Health Local Law*;(deals with the emissions of smoke from property)
- *Local Government Property Local Law*;(deals with the lighting of fires on Council land).

State Laws include:

- Bushfires Act and Regulations
- Emergency Management Act
- Local Government Act
- OH &S ACT

POLICY IMPLICATIONS:

There are no policy implications relevant to this report.

FINANCIAL AND BUDGET IMPLICATIONS:

Officers Recommendation implications:

Senior Bush Fire Officer

Level 6	\$62,012 plus on costs of \$19,224 totalling \$81,235
On Call Allowances*	\$61.19 x 60 = \$3,671.45
Overtime estimate	\$10,000

*On Call allowances are based on a level 6, 1 to allow for an average when the incumbent is not available or a decision is made to share this outside of hours duty.

Fire Control Officer Casuals

2 x Level 3 \$30.33 (per hour) for 2 months = \$19,411.20 plus on costs of \$1,746 totalling \$21,158

Administration Casual Fire Season

1 x Level 3 \$30.33 (per hour) for 2 months = \$9,705.60 plus on costs of \$873.50 totalling \$10,579

The total financial implication is in the vicinity of \$126,643.45.

The expense to Council in the case whereby a fire was not appropriately managed or mitigated and Council where pursued cannot be estimated but should be considered.

It is proposed that this is considered as part of the 2012/13 budget process.

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

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

Regional Outcomes:

The City of greater Geraldton is a Regional Centre and by ensuring an effective capacity to prevent and respond to Bush Fire, it further strengthens this position.

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

The protection of valuable crops and community assets is enabled through effective fire prevention program.

Social:

The likelihood and severity of social trauma due to Bushfire impact to community is markedly reduced with a comprehensive program working on mitigation and community engagement.

Environmental:

The protection of environmental values is enhanced by a reduced incidence of bushfire and its associated damage to native vegetation and fauna and landscape values.

Cultural & Heritage:

Cultural and heritage values such as those at Greenough Hamlet are at reduced risk from bushfire damage because of an effective fire prevention program.

RELEVANT PRECEDENTS:

Several other Local Governments have a structure whereby a Fire Prevention Officer conducts Hydrant management, meets legislative requirements imposed on Council and Fire Prevention for LG Parcels of land.eg City of Swan and the City of Kalamunda.

The 2011 report into the Perth Hills Bushfires have several implications for Local Government to consider and in effect it will only be possible to address with additional resources.

It is worth noting other incidents whereby Local Governments and those who manage fire response (such as our Bush Fire Brigades) have come under criticism following a major fire. Some that bear to mind are the Black Saturday Fires of Victoria, Perth Hills Bush Fires and the Lake Clifton Fires.

DELEGATED AUTHORITY:

Council appoints Bush Fire Control Officers which include the positions of Chief and Deputy Chief Bush Fire Control Officers.

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 6.8 of the Local Government Act RESOLVES to:

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

Option 3:

That Council by Simple Majority pursuant to Section 6.8 of the Local Government Act RESOLVES to:

1. Not take any action on the matter;
2. NOTES the Reports *A Shared Responsibility* (The Report of the Perth Hills Bushfire February 2011 Review) and *Appreciating the Risk* (Report of the Special Inquiry into the November 2011) and the associated implications and obligations that are legally required to be met by the City of Greater Geraldton and the impact this will have on provision of additional resources. and
3. MAKES the determination based on the following reason:
 - a. to be determined by Council

CONCLUSION:

Following on from the recent Perth Hills Bushfires and even Victorian Black Saturday Bushfires, emergency services authorities have come under significant scrutiny as to their practices and methods in managing fires. The City of Greater Geraldton could be subject to such criticism should a significant event impact the community. For that reason and the identified need to enhance practices in fire management, the City of Greater Geraldton needs to act to mitigate both the community and council risk.

Recommendations following the Perth Hills Bush Fire have implications for City of Greater Geraldton at a local level, these have been listed and the recommendation acts to address the majority of these.

Additional responsibilities which have been imposed on Local Government by the State and relative legislation require more attention by staff to meet the needs.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 6.8 of the Local Government Act RESOLVES to:

1. ENDORSE the increase to the City of Greater Geraldton FTE Levels by one to include the employment of a Senior Bush Fire Officer;

-
2. INCLUDE for consideration in the City of Greater Geraldton budget for 2012/13:
 - a. \$81,235 for a Senior Bush Fire Officer;
 - b. \$13,671 for associated estimated expenses such as on call and overtime;
 - c. \$21,158 for the Casual employment of Fire Control Officers for Bush Fire compliance purposes; and
 - d. \$10,579 for additional Casual administrative support.
 3. NOTES the Reports A Shared Responsibility (The Report of the Perth Hills Bushfire February 2011 Review) and Appreciating the Risk (Report of the Special Inquiry into the November 2011) and the associated implications and obligations that are legally required to be met by the City of Greater Geraldton and the impact this will have on provision of additional resources.

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

That Council by Simple Majority pursuant to Section 6.8 of the Local Government Act RESOLVES to:

1. **ENDORSE the increase to the City of Greater Geraldton FTE Levels by one to include the employment of a Senior Bush Fire Officer;**
2. **INCLUDE for consideration in the City of Greater Geraldton budget for 2012/13:**
 - a. **\$81,235 for a Senior Bush Fire Officer;**
 - b. **\$13,671 for associated estimated expenses such as on call and overtime;**
 - c. **\$21,158 for the Casual employment of Fire Control Officers for Bush Fire compliance purposes; and**
 - d. **\$10,579 for additional Casual administrative support.**
3. **NOTES the Reports A Shared Responsibility (The Report of the Perth Hills Bushfire February 2011 Review) and Appreciating the Risk (Report of the Special Inquiry into the November 2011) and the associated implications and obligations that are legally required to be met by the City of Greater Geraldton and the impact this will have on provision of additional resources.**

CARRIED 13/0

14 STRATEGIC MATTERS

SC043	PROPOSED RESCINDING OF THE CBD WEST END PROJECT DETAILED AREA PLAN AND DESIGN GUIDELINES, GERALDTON
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AGENDA REFERENCE:	D-12-15730
AUTHOR:	M Connell, Manager Town Planning Services
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	05 April 2012
FILE REFERENCE:	LP/9/0009
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The CBD West End Project Detailed Area Plan was endorsed by Council in April 2009 and is incorporated into the City Centre Planning Policy as Addendum 2. In June 2009 the developer advised the City that they had not taken the option to purchase the foreshore properties. Additionally they have not purchased the Fitzgerald Flats.

This report recommends that Council rescinds the DAP.

PROPONENT:

The proponent is the City of Greater Geraldton.

The owner of the subject land is Geraldton Investments Pty Ltd.

The owners of the foreshore properties that were not purchased are:

- Lots 2 and 123 – Roman Catholic Bishop of Geraldton.
- Lot 400 – Tranmere Pty Ltd.
- Lot 401 – R & M Ramage Pty Ltd.

The owner of the Fitzgerald Flats (Lot 81 Fitzgerald Street) is Dayle J and Nola F Kenny.

BACKGROUND:

The CBD West End Project Detailed Area Plan (DAP) was endorsed by Council in April 2009 and is incorporated into the City Centre Planning Policy as Addendum 2.

The DAP was intended to provide a planning framework to assist in the revitalisation of the CBD West End. As an Addendum to the City Centre Policy it provided more detailed design indicators and parameters for the subject land.

In June 2009 the developer advised the City that they had not taken the option to purchase the foreshore properties (being Lots 2, 123, 400 and 401)

located between Marine Terrace and Foreshore Drive. Additionally the developer has not purchased the Fitzgerald Flats.

Throughout the entire process the developer advocated strongly that they were committed to keeping the CBD West End precinct “active” during the various development phases. It is obvious that this has not happened.

The DAP is now out-dated and the objectives can no longer be entirely achieved given that the developer does not own portions of the land. The City Centre Planning Policy encompasses all the design objectives of the DAP and City staff are of the opinion that the City Centre Policy document should now replace the DAP.

The DAP is included as Attachment No. SC043.

On 27 February 2012 the City wrote to Geraldton Investments Pty Ltd advising of the intention to put forward a report to the April 2012 Council meeting formally requested Council rescind the DAP and further inviting comments by 30 March 2012. To date there has been no response.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

The matter was discussed at the Council Concept Forum held on 06 December 2011.

STATUTORY IMPLICATIONS:

The DAP was endorsed by Council pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton) which details the power to make policies. Clause 2.2 of the Scheme also provides for the alteration or rescinding of policies as follows:

- 2.2.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*
- (i) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy; or*
 - (ii) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

Please note that as the Scheme specifically requires a policy to be rescinded, this does not necessitate any rescinding of previous Council motions.

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due

regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

POLICY IMPLICATIONS:

The DAP was endorsed as a policy and incorporated as an Addendum to the City Centre Planning Policy which states:

Addendums

It is likely (given the diversity of the city centre) that specific sites will require more detailed design indicators and parameters to provide further guidance. In these instances site specific design guidelines will be attached to this Planning Policy.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 2: Opportunities for Prosperity.

Outcome 2.2: Greater Geraldton as a leading regional and rural destination.

Strategy 2.2.4: Facilitate the Geraldton City Centre as the heart of the region.

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

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

Regional Outcomes:

Geraldton Region Plan 1999:

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 recommendations for the 'Commercial Areas' (including the city centre) contained within the Greater Geraldton Structure Plan identify a need to prepare a CBD Development Strategy and townscape strategy. These design guidelines address a number of development and townscape issues relevant to the site.

Geraldton Regional Centre Strategy 2005:

This Strategy developed a long-term strategic plan to secure the viability and attraction of the Geraldton Regional Centre as the primary commercial, community and tourist focus for the Mid West region. The subject land is located within the 'Old CBD' Precincts. The implementation section of the Strategy identified that planning/design controls were required in order to achieve the preferred strategy for the study area and the vision for the CBD.

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

There are no economic issues.

Social:

Of note is that clause 2.11 of the DAP strongly advocates keeping the site alive and vibrant prior to and during the development phases of the project, something that has obviously not been pursued by the developer.

Environmental:

There are no environmental issues.

Cultural & Heritage:

The DAP promotes part demolition of the Fitzgerald Flats. The current owners of the property are currently upgrading the buildings and thus the DAP is no longer relevant to the site.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedent set by previous Council or Executive, however it should not be construed that there are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority, pursuant to clause 2.2.3 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. REFUSE to rescind Addendum 2 to the City Centre Planning Policy being the "Detailed Area Plan & Design Guidelines – CBD West End Project".
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the matter.

CONCLUSION:

The DAP is now out-dated and the objectives can no longer be entirely

achieved given that the developer does not own portions of the land.

Option 2 is not supported as the City Centre Planning Policy encompasses all the design objectives of the DAP and it is considered that the City Centre Policy document should now replace the DAP.

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 2.2.3 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. RESCIND Addendum 2 to the City Centre Planning Policy being the “Detailed Area Plan & Design Guidelines – CBD West End Project”; and
2. GIVE public notice of the above.

Cr Robert Ramage declared a Direct Financial Interest in Item SC043 Proposed Rescinding of the CBD West End Project Detailed Area Plan and Design Guidelines, Geraldton as he is the owner of property in the area and left Chambers at 6.50pm.

B Davis left Chambers at 7.02pm

B Davis returned to Chambers at 7.07pm

COUNCIL DECISION

MOVED CR GABELISH, SECONDED CR MESSINA

That Council by Simple Majority RESOLVES to:

1. DEFER the matter for no longer than 1 month:
 - a. for the developers to provide a detailed response by 30 April 2012.

LOST 5/7

COUNCIL DECISION

MOVED CR VAN STYN, SECONDED CR MCILWAINE

That Council by Simple Majority, pursuant to clause 2.2.3 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. RESCIND Addendum 2 to the City Centre Planning Policy being the “Detailed Area Plan & Design Guidelines – CBD West End Project”; and
2. GIVE public notice of the above.

CARRIED 12/0

Cr Ramage returned to Chambers at 7.15pm

Cr Middleton left Chambers at 7.16pm

SC044	PROPOSED TOWN PLANNING SCHEME AMENDMENT – DEVELOPMENT REZONING, GLENFIELD
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AGENDA REFERENCE:	D-12-15795
AUTHOR:	R Ireland, Strategic Planning Officer & K Elder, Senior Strategic Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	03 April 2012
FILE REFERENCE:	LP/15/0008
APPLICANT / PROPONENT:	Whelans Town Planning
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a Scheme Amendment to rezone Lots 9000, 1001, 5805 & 404 Chapman Road, Glenfield from 'Residential – Residential Structure Plan' and 'Commercial' to 'Development' zone.

This report recommends that Council initiate the Amendment.

PROPONENT:

The proponent is Whelans Town Planning on behalf of North Bay Developments Pty Ltd.

BACKGROUND:

The subject land is located approximately 11 kilometres north of the Geraldton City Centre. It is comprised of 188 hectares and is generally bounded by Chapman Road to the east, the Indian Ocean foreshore reserve to the west, the existing Drummond Cove residential development to the north, and by public open space and the Water Corporation North Geraldton Waste Water Treatment Plant to the south.

The area is characterised by vacant land, some of which has been cleared for previous land development. There is a reasonable amount of remanent vegetation on site including the 'Rum Jungle' vegetation strip which runs north-south abutting Chapman Road.

An indicative Concept Master Plan has been prepared to demonstrate how the subject allotments could be developed and to show how such development could tie back into the broader locality. The Concept Master Plan illustrates a possible future District Centre located to the south-east of the site. The location of this District Centre is consistent with the City's Interim Commercial and Activities Centres Strategy and the endorsed Glenfield Structure Plan.

Under the current zoning of 'Residential – Residential Structure Plan' this area can be developed for residential purposes subject to the preparation of a Local Structure Plan in accord with clause 5.17 of Local Planning Scheme No. 5 (Greenough). However, the rezoning of the entire site to 'Development' zone not only ensures consistency with land to the east of Chapman Road, it

provides for the flexibility to provide additional facilities which are complimentary to such residential development and to locate a future District Centre in accordance with investigations conducted as part of a Local Structure Plan and Activity Centre Plan.

Extracts from the Amendment document are included as Attachment No. SC044.

COMMUNITY CONSULTATION:

Should Council initiate a scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning & Development Act 2005.

COUNCILLOR/OFFICER CONSULTATION:

There has been no Councillor/officer consultation.

STATUTORY IMPLICATIONS:

The subject property is currently zoned 'Residential – Residential Structure Plan' and 'Commercial' under Local Planning Scheme No. 5 (Greenough). The primary intent behind the amendment is to allow the area to be developed for residential uses, a District Centre and other uses which are normally associated with residential development.

The proposed 'Development' zone will require the subject land to be progressively developed in accordance with an endorsed structure plan as per clause 5.17 of the Scheme. It is during the process of structure planning that residential densities will be chosen and a broad subdivision design will be undertaken.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

- | | |
|-----------------|--|
| Goal 4: | Opportunities for Sustainability. |
| Outcome 4.1: | Vibrant and sustainable urban and rural development. |
| Strategy 4.1.4: | Develop, apply and regulate effective planning schemes, building regulations and policies. |

Regional Outcomes:**Geraldton Region Plan (1999) and Greater Geraldton Structure Plan 2011:**

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.

Geraldton-Greenough Coastal Strategy & Foreshore Management Plan:

This Strategy guides decision making in relation to the management, protection and planning of foreshore and coastal areas. The management priority for the area is maintaining bushland linkage between the foreshore and inland area areas and river.

Northern Geraldton District Structure Plan (draft):

The purpose of this study is to provide a district structure pan for northern Geraldton that identifies principles that will guide future development within the study area. It forms a planning framework to guide the coordinated development of liveable and sustainable neighbourhoods. The subject land is identified as 'Future Residential' on the structure plan.

City of Geraldton-Greenough Interim Commercial Activity Centres Strategy 2011:

This Strategy provides an interim broad regional planning framework to coordinate the location and development of shopping and associated commercial activities. The subject land is within the "Proposed District Centre' Area".

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

The amendment will potentially facilitate the development of a range of uses which could potentially yield 2,500 lots plus a future District Commercial facility

Social:

There are no social issues.

Environmental:

The subject land contains an array of vegetation and the applicant has completed an environmental survey which includes reference to the Regional Flora and Vegetation Survey.

As part of the scheme amendment process, prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

Cultural & Heritage:

According to the Department of Indigenous Affairs Inquiry System an Indigenous Heritage Site was identified as being located partially within the

northwest corner of the subject area. The status of this site is currently 'Stored Data' which refers to sites that have been assessed as not meeting the terms of section 5 of the *Aboriginal Heritage Act 1972*. The provisions of the *Aboriginal Heritage Act 1972* do not apply to these places unless further information is lodged with the Registrar requiring a reassessment of the place.

The scheme amendment will be forwarded to the Department of Indigenous Affairs during the public advertising period.

RELEVANT PRECEDENTS:

Council has previously considered two Scheme Amendments under the previous Town Planning Scheme No.4 for the subject land as a 'Development' zone at its Special Council Meeting held on 16 March 2007 and 26 July 2006.

Council resolved at its meeting held 15 April 2009 to adopt for final approval Local Planning Scheme No. 5 therefore both Scheme Amendments were withdrawn from the Environmental Protection Authority (EPA) environmental impact assessment process.

The author is not aware of any other relevant precedent set by previous Council or Executive, however, it should not be construed that there are no other relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lots 9000, 1001, 5805 & 404 Chapman Road, Glenfield from 'Residential – Residential Structure Plan' and 'Commercial' to 'Development' zone; and
2. MAKES the determination on the grounds that the amendment would create an undesirable precedent and compromise the orderly and proper planning of the locality.

Option 3:

That Council by Simple Majority RESOLVES to DEFER the application.

CONCLUSION:

The strategic intent for the site has already been demonstrated through the current zoning and via numerous strategic documents including the City's Interim Commercial Activity Centre Strategy and the Glenfield Structure Plan.

The rezoning will allow for greater flexibility in terms of co-ordinating subdivision and development of the subject land for residential, commercial, and associated uses.

The requirement for a Structure Plan to be endorsed prior to further development within the broader area will assist in addressing any issues via a holistic approach, particularly in regards to coastal setbacks and linkages, retention of 'Rum Jungle' and green corridors, and the siting of a future District Centre.

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

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

EXECUTIVE RECOMMENDATION:

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lots 9000, 1001, 5805 & 404 Chapman Road, Glenfield to 'Development' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

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

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lots 9000, 1001, 5805 & 404 Chapman Road, Glenfield to 'Development' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

CARRIED 12/0

15 OPERATIONAL MATTERS

SC042	PROPOSED GLENFIELD	AQUISITION	OF	PUBLIC	OPEN	SPACE,
AGENDA REFERENCE:	D-12-15659					
AUTHOR:	M Connell, Manager Town Planning Services					
EXECUTIVE:	P Melling, Director Sustainable Communities					
DATE OF REPORT:	04 April 2012					
FILE REFERENCE:	A67548					
APPLICANT / PROPONENT:	Landwest					
ATTACHMENTS:	Yes (x2)					

SUMMARY:

An application has been received requesting that the City purchase portion of Lot 125 Alexander Drive, Glenfield for the purpose of public open space (POS) in accordance with the Planning and Development Act 2005 and the Glenfield Structure Plan.

Additionally the proponent has requested that subdivision, survey and Certificate of Title costs be borne by the City and the future POS reserve be named "*Cvetko Ognenovski Reserve*" after the owner of the land.

This report recommends Council agree in principle to the acquisition, other costs and naming, and that the matter be included in the 2012/13 budget for formal consideration.

PROPONENT:

The proponent is Landwest on behalf of the owner, Cvetko Ognenovski.

BACKGROUND:

The (former) City of Geraldton-Greenough and the WA Planning Commission have adopted the Glenfield Structure Plan. The Structure Plan promotes a 10% POS contribution by means of land and/or cash-in-lieu contributions in accordance with the Planning and Development Act 2005. Where it is not possible to achieve a totally equitable provision of POS for each individual landholding, cash-in-lieu will be used to acquire additional land in excess of the 10% requirement.

The Structure Plan aims to primarily protect regionally significant vegetation with a limited range of active recreational opportunities and identifies areas of "POS / Conservation" that have high conservation value based on the extent of regionally significant vegetation that the lots contain at present.

Lot 125 contains approximately 5.4ha of identified regionally significant vegetation, which represents approximately 68% of the total landholding.

The proponent has provided a proposed plan of subdivision showing the excision of 5.4059ha for POS, along with future road alignments in general accordance with the Glenfield Structure Plan.

A copy of the Glenfield Structure Plan and the proposed plan of subdivision is included as Attachment No. SC042A.

It is worth noting that there is only 1 other parcel of land in the Glenfield Structure Plan area that has a significant portion of their land containing regionally significant vegetation and that is similarly designated as POS.

Valuation:

The proponent commissioned a valuation of Lot 125 in February 2012. The subject land has an area of 8.1117ha and has no buildings. The “market value” of the subject land is \$1,300,000 GST exclusive.

Therefore the market value for the 5.4059ha area of POS is \$866,362.

A copy of the Executive Summary of the valuation report is included as Attachment No. SC042B.

Acquisition Proposal:

The proponent has put forward the proposal to purchase the POS land for \$1,000,000 for the following reasons:

As a result of identification of the extent of vegetation with a high conservation value on Lot 125 and the provisions of the Glenfield Structure Plan which identify the area for public open space, the landholding is severely restricted in terms of both short term and long term development potential. As a result of the significant encumbrance, the proponent now applies to the local authority for the identified public open space to be acquired at this time, based on market valuation of the landholding and having regard for the inability of the landowner to create residential (R5) lots at this time, at the Alexander Road frontage of the lot.

Mr Ognenovski is now 76 and has only recently left fulltime employment due to ill health. Mr Ognenovski has no income stream and has a mortgage over his home. He is unable to subdivide the landholding at the frontage of Alexander Drive which he envisaged previously, as having short term potential, which would have provided him an income for retirement, allow him to finalise his mortgage when he retired, and to manage his medical conditions by obtaining an appropriate level of care. Further, he is unable to obtain any government benefits, due to holding this asset. He has no other means of deriving income and his extended family is supporting at this time, which is not sustainable.

Comment: Section 155 of the Planning and Development Act 2005 prescribes how the value of land is to be determined (refer to the Statutory Implications section of this report) and it is not considered appropriate that the

City acquire land at a value in excess of the market value, especially given the further costs involved with subdivision, survey and Certificates of Title as described below.

Subdivision, Survey and Certificate of Title Costs:

In addition the proponent is seeking the City to bear the full cost of the complete subdivision and vesting process through to the issue of new titles for balance of landholding for the following reasons:

The POS lot is offered for acquisition only because the ability for the owner to subdivide has been removed by the adoption of the Glenfield Structure Plan.

Mr Ognenovski does not have the financial resources to pay the costs associated with the subdivision process, and should not be placed at further financial disadvantage by having to undertake the subdivision process, being proposed only as a result of encumbrance created by relevant government agencies. It is contended that this is fair and reasonable given that if not for the Glenfield Structure Plan, this matter would not need consideration.

The proponent has advised a fee estimate of \$7,500 for subdivision, \$8,000 for survey and \$1,500 for Titles (an additional \$17,000 estimated in total).

Comment: It is considered reasonable in this circumstance for the City to bear the costs especially given the willingness of the owner to have the land reserved, and the regional significance of the vegetation that the POS reserve will protect.

Naming of POS Reserve:

The proponent is further requesting that the ultimate POS reserve dedication process and naming acknowledge Mr Ognenovski's historical connection to the property and Glenfield locality generally (having owned the property for approximately 52 years) by naming the Reserve "Cvetko Ognenovski Reserve".

Comment: There are instances where POS areas have been named after people who had some connection with the land or its development. Brett Foster Park in Seacrest is one example where the park was named after the engineer associated with the development of the estate. The POS reserve has primarily been identified in order to protect regionally significant vegetation and given the owner has contributed to the preservation of the vegetation (even if only not to clear the land), there are no objections to the naming of the POS reserve "Cvetko Ognenovski Reserve".

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:**Planning and Development Act 2005:**

Part 10, Division 3 of the Planning and Development Act 2005 makes provisions for:

1. Owners paying money in lieu of land being set aside for open space;
2. How money received in lieu of open space is to be dealt with; and
3. How the value of land is determined.

In essence the Planning and Development Act 2005 allows for people to pay cash, in lieu of giving up their 10% land area for POS, and subsequently for the local government to use those funds to purchase POS or to repay any loans raised for the purchase of POS land.

Ideally over a period of time the local government will receive cash-in-lieu funds equivalent to that needed to repay those owners who give up more land than their 10% POS requirement. This will be dependent on the timing of subdivision which is highly variable in the Glenfield area given there are multiple landowners, each with differing development intentions.

Section 155 of the Planning and Development Act 2005 defines the:

“market value of land” means the capital sum which an unencumbered estate in fee simple in the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Section 154 of the Planning and Development Act 2005 prescribes how money received in lieu of open space is to be dealt with, which includes repaying any loans raised by the local government for the purchase of land for open space.

There have been a small number of subdivisions in Glenfield that have contributed cash-in-lieu for POS and at present the City has a total of \$32,912.69 cash-in-lieu funds held in trust for the Glenfield locality.

It is obvious that there are insufficient funds held in trust to cover the acquisition costs. Therefore it is proposed that the POS reserve be acquired via a loan and that the loan be included for consideration in the 2012/13 budget.

It should be noted that as further subdivision in the Glenfield locality occurs over time there will be further cash-in-lieu funds paid to the City that can be used to repay the loan.

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

Goal 4: Opportunities for Sustainability

Outcome 4.3: Environmental sustainability

Strategy 4.3.3: Protect biodiversity and provide landscape management through effective conservation and rehabilitation.

The 'Sustainability Framework' in the Strategic Community Plan states:

Environmental: *The rate of regeneration exceeds the rate of degradation in our natural and built environment.*

In addition the 'Linkage to 2029 and Beyond' in the Strategic Community Plan states:

Our Environment

We support Geraldton moving from an environmentally conscious community to an environmentally active community that encourages and enables low impact living and sustainable urban development that protects our precious beaches and other natural assets.

Regional Outcomes:**The 2029 and Beyond Community Values, Visions, Directions:**

The 2029 and Beyond Project was initiated in 2010 for the community to envision what they would like the Greater Geraldton City Region, the place they call home, to be like in 2029 and take steps towards achieving the vision. The 2029 and Beyond Community Values, Vision, Directions is based on the aspirations and values of the community for the future that were captured during extensive community engagement processes.

The 2029 and Beyond Community Values, Vision, Directions aligns with the five pillars of sustainability. Each pillar outlines the values and aspirations the community has for the future of Greater Geraldton. For the 'Environment' pillar it states:

We envision a protected coastal landscape and marine environment, rehabilitated rivers, bushland conserved for future generations to enjoy and precious farmland preserved to meet our regional needs.

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

The ongoing management and maintenance of the land will become the responsibility of the City. There are funds allocated in the Environmental Health and Sustainability area for 'Protection of the Environment' which includes weed management and rabbit baiting. It is envisaged that the

ongoing maintenance costs to the City will be negligible as the intent of the land is for conservation purposes.

However it is imperative that the land be fenced with rabbit proof fencing to ensure the conservation integrity of the land is not eroded. It is common practice that POS areas are developed to a standard before being handed over to the City. In this instance it is considered fair and reasonable that the land be fenced at the proponent's costs prior to the City taking management responsibility of the land. It is estimated that the cost of rabbit proof fencing the POS would be \$7,000. The owner has objected to the requirement to fence the property.

It is worthy to note that the commercial cost to regenerate 1ha of native vegetation is estimated to be \$250,000 per hectare. Therefore in this instance, 5.4ha of regionally significant vegetation is valued at \$1,350,000. This figure does not take into account the value of the land.

Social:

There are no social issues.

Environmental:

Geraldton Regional Flora and Vegetation Survey Project:

In 2008, the WAPC in partnership with relevant State government agencies and local government, commenced the Geraldton Regional Flora and Vegetation Survey Project (GRFVS). The GRFVS has mapped and described vegetation types occurring in the Geraldton region, focusing on areas where significant land use change or development is proposed.

The GRFVS has identified that there is remnant vegetation in Glenfield that is *regionally significant*, as it is part of one of the largest remaining intact areas of Banksia/Acacia plant community in the Geraldton region.

The vegetation has been described as plant community 13 Sandplain: *Banksia prionotes* / *Acacia rostellifera*, which has conservation significance because it represents a type of vegetation that was originally widespread in the Geraldton region (Beard vegetation association 359 Shrublands; Acacia and Banksia scrub), but now are largely degraded or threatened and the best examples of this vegetation type occur only in the Glenfield / Waggrakine area.

The significance of the vegetation cannot be underestimated given the above, and hence the Glenfield Structure Plan identified the area for POS / Conservation.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedent set by previous Council or Executive, however it should not be construed that there are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

There are a number of options that can be considered for this proposal. In summary:

Option 2 allows Council to refuse to acquire the land.

Option 3 allows Council to agree to acquire the land at the higher rate and bear the full costs of subdivision.

Option 4 allows Council to agree to acquire the land at the higher rate and not pay for the costs of subdivision.

Option 5 allows Council to agree to acquire the land at the market value rate and not pay for the costs of subdivision.

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority, pursuant to section 154 of the Planning and Development Act 2005, RESOLVES to:

1. REFUSE to purchase portion of Lot 125 Alexander Drive, Glenfield;
and
2. MAKES the determination based on:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to section 154 of the Planning and Development Act 2005, RESOLVES to:

1. AGREE in principle to the acquisition of approximately 5.4ha from Lot 125 Alexander Drive, Glenfield for the purpose of public open space – conservation. The acquisition price is to be \$1,000,000 (GST Exclusive);
2. AGREE to cover costs for subdivision, survey and new Certificates of Title;
3. LIST the loan funds in 2012/13 budget for consideration;
4. ADVISE the proponent of the following:

- a. Council supports the naming of the future reserve to “Cvetko Ognenovski Reserve” however this is subject to approval from the Geographic Names Committee;
- b. As part of the subdivision process the public open space is to be fully fenced with rabbit proof fencing;
- c. As part of the subdivision process a Caveat is to be lodged over the balance of the land, at the proponent’s expense, advising of the outstanding public open space liability for the land; and
- d. Should the loan funds be approved in the 2012/13 budget, the funds will only be available for 2012/13 financial year period and if the land has not been acquired in that period a new request will need to be made to Council.

Option 4:

That Council by Simple Majority, pursuant to section 154 of the Planning and Development Act 2005, RESOLVES to:

1. AGREE in principle to the acquisition of approximately 5.4ha from Lot 125 Alexander Drive, Glenfield for the purpose of public open space – conservation. The acquisition price is to be \$1,000,000 (GST Exclusive).
2. NOT AGREE to cover costs for subdivision, survey and new Certificates of Title;
3. LIST the loan funds in 2012/13 budget for consideration;
4. ADVISE the proponent of the following:
 - a. Council supports the naming of the future reserve to “Cvetko Ognenovski Reserve” however this is subject to approval from the Geographic Names Committee;
 - b. As part of the subdivision process the public open space is to be fully fenced with rabbit proof fencing;
 - c. As part of the subdivision process a Caveat is to be lodged over the balance of the land, at the proponent’s expense, advising of the outstanding public open space liability for the land; and
 - d. Should the loan funds be approved in the 2012/13 budget, the funds will only be available for 2012/13 financial year period and if the land has not been acquired in that period a new request will need to be made to Council.

Option 5:

That Council by Simple Majority, pursuant to section 154 of the Planning and Development Act 2005, RESOLVES to:

1. AGREE in principle to the acquisition of approximately 5.4ha from Lot 125 Alexander Drive, Glenfield for the purpose of public open space – conservation. The acquisition price is to be based on the market value of the land as per the valuation report by Prime Property Valuations, 8th February 2012.
2. NOT AGREE to cover costs for subdivision, survey and new Certificates of Title;
3. LIST the loan funds in 2012/13 budget for consideration;

4. ADVISE the proponent of the following:
 - a. Council supports the naming of the future reserve to “Cvetko Ognenovski Reserve” however this is subject to approval from the Geographic Names Committee;
 - b. As part of the subdivision process the public open space is to be fully fenced with rabbit proof fencing;
 - c. As part of the subdivision process a Caveat is to be lodged over the balance of the land, at the proponent’s expense, advising of the outstanding public open space liability for the land; and
 - d. Should the loan funds be approved in the 2012/13 budget, the funds will only be available for 2012/13 financial year period and if the land has not been acquired in that period a new request will need to be made to Council.

Option 6:

That Council by Simple Majority RESOLVES to DEFER the matter.

CONCLUSION:

The GRFVS has identified that there is remnant vegetation in Glenfield that is *regionally significant*, as it is part of one of the largest remaining intact areas of Banksia/Acacia plant community in the Geraldton region.

The vegetation has been described as plant community 13 Sandplain: *Banksia prionotes* / *Acacia rostellifera*, which has conservation significance because it represents a type of vegetation that was originally widespread in the Geraldton region, but now are largely degraded or threatened and the best examples of this vegetation type occur only in the Glenfield / Waggrakine area.

The significance of the vegetation cannot be underestimated given the above, and hence the Glenfield Structure Plan identified the area for POS / Conservation.

However it is imperative that the land be fenced with rabbit proof fencing to ensure the conservation integrity of the land is not eroded. It is common practice that POS areas are developed to a standard before being handed over to the City. In this instance it is considered fair and reasonable that the land be fenced at the proponent’s costs prior to the City taking management responsibility of the land.

The POS reserve has primarily been identified in order to protect regionally significant vegetation and given the owner has contributed to the preservation of the vegetation (even if only not to clear the land), the re no objections to the naming of the POS reserve “*Cvetko Ognenovski Reserve*”.

With the purchase of the POS the remaining land area will still have a 10% POS requirement. It is sometimes very difficult to keep track of POS especially over a period of time so therefore it is proposed that a Caveat be lodged on the balance of the land advising of the outstanding POS liability. The proponent has agreed to this request.

Options 3 and 4 are not support as section 155 of the Planning and Development Act 2005 prescribes how the value of land is to be determined, and it is not considered appropriate that the City acquire land at a value in excess of the market value, especially given the further costs involved with subdivision, survey and new Certificates of Title.

Option 5 is not supported as it is considered reasonable in this circumstance for the City to bear the subdivision, survey and new Certificates of Title costs especially given the willingness of the owner to have the land reserved, and the regional significance of the vegetation that the POS reserve will protect.

Option 6 is not supported as it is considered that sufficient information has been provided in order to determine the matter.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, pursuant to section 154 of the Planning and Development Act 2005, RESOLVES to:

1. AGREE in principle to the acquisition of approximately 5.4ha from Lot 125 Alexander Drive, Glenfield for the purpose of public open space – conservation. The acquisition price is to be based on the market value of the land as per the valuation report by Prime Property Valuations, 8th February 2012.
2. AGREE to cover costs for subdivision, survey and new Certificates of Title;
3. LIST the loan funds in 2012/13 budget for consideration;
4. ADVISE the proponent of the following:
 - a. Council supports the naming of the future reserve to “Cvetko Ognenovski Reserve” however this is subject to approval from the Geographic Names Committee;
 - b. As part of the subdivision process the public open space is to be fully fenced with rabbit proof fencing;
 - c. As part of the subdivision process a Caveat is to be lodged over the balance of the land, at the proponent’s expense, advising of the outstanding public open space liability for the land; and

Should the loan funds be approved in the 2012/13 budget, the funds will only be available for 2012/13 financial year period and if the land has not been acquired in that period a new request will need to be made to Council.

Cr Middleton returned to Chambers at 7.16pm

C Wood left Chambers at 7.36pm

C Wood returned to Chambers at 7.42pm

COUNCIL DECISION**MOVED CR BRICK, SECONDED CR VAN STYN**

That Council by Simple Majority, pursuant to section 154 of the Planning and Development Act 2005, RESOLVES to:

- 1. AGREE in principle to the acquisition of approximately 5.4ha from Lot 125 Alexander Drive, Glenfield for the purpose of public open space – conservation. The acquisition price is to be based on the market value of the land as per the valuation report by Prime Property Valuations, 8th February 2012;**
- 2. AGREE to cover costs for subdivision, survey and new Certificates of Title;**
- 3. LIST the loan funds in 2012/13 budget for consideration;**
- 4. ADVISE the proponent of the following:**
 - a. Council supports the naming of the future reserve to “Cvetko Ognenovski Reserve”, however this is subject to approval from the Geographic Names Committee, in the event that this isn’t successful that a plaque in his honour be put at the entrance;**
 - b. as part of the subdivision process the public open space is to be fully fenced with rabbit proof fencing which would be funded by the City;**
 - c. as part of the subdivision process a Caveat is to be lodged over the balance of the land, at the proponent’s expense, advising of the outstanding public open space liability for the land; and**
- 5. Should the loan funds be approved in the 2012/13 budget, the funds will only be available for 2012/13 financial year period and if the land has not been acquired in that period a new request will need to be made to Council.**

CARRIED 9/4

SC045	DELEGATION AUTHORITY FOR BUILDING FUNCTIONS
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AGENDA REFERENCE:	D-12-16041
AUTHOR:	D Gibson, Acting Principal Building Surveyor
EXECUTIVE:	P Melling, Director of Sustainable Communities
DATE OF REPORT:	17 April 2012
FILE REFERENCE:	BC/3/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

A New Building Act 2011 was passed on the 23 June 2011 and the new Building Regulations 2012 commenced on the 02 April 2012.

The new Building Act was developed to replace the Building Regulations 1989 and parts of the Local Government (Miscellaneous Provisions) Act 1960.

The City Building Surveyor's current delegations need to be aligned with the new Building Act 2011 and Regulations 2012.

New delegations need to be approved to allow the building department (Local Government) to operate as a permit authority and ensure that the building and compliance areas can operate to the same extent as it did under the provisions of the old Act.

PROPONENT:

The Proponent is The City of Greater Geraldton.

BACKGROUND:

Under the old Local Government (Miscellaneous Provisions) Act 1960, local governments were empowered to administer building control. This legislation identifies local governments as the sole authority to assess applications and issue building approvals for the construction of buildings and associated applications. In this legislation, a building owner or builder can only submit a building licence application to the relevant local government. The building owner/builder can only begin construction when the application is assessed and approved by the local government by the issuing of a building licence.

Staff who have delegated authority are the approving officers for the building licence. The legislated building licence fees are then retained by the local government. The local government also collects fees for the Builders Registration Board and the Building Construction Industry Training Fund.

The new Building Bill (Building Act 2011) introduces some significant changes to the approvals process and for local governments. The most significant being the introduction of private certification of building designs. Note: There is still the requirement to apply for and gain a building permit (replacing a building licence).

The new building Act opens the certification of BCA and relative standards compliance to private certifiers. The act allows the Local Authority (LA) to provide a 'Certifying Service' as an option for the public. This service must not compete with the private sector. To comply with this, fees have been approved for cost recovery only. The LA should not function as a profitable business.

The Permit Authority still has the duty of accepting applications and issuing Permits (building, occupancy, demolition permits), before this can happen the design of a building is required to be certified that it complies with the relevant codes, standards and has gained all other relevant approvals etc. The Permit Authority also has to provide a prescribed approval service for domestic buildings and structures as well as a compliance/enforcement role within its own boundaries. Note that compliance and enforcement has been enhanced in the new building act with higher penalties and fines.

COMMUNITY CONSULTATION:

There is no community consultation.

COUNCILLOR CONSULTATION:

There is no councillor consultation.

STATUTORY IMPLICATIONS:

Fulfilling the statutory requirements of the following legislation:

- The Local Government Act 1995;
- Section 127 (3) of the Building Act 2011;
- Local Government Act 1995, section 5.36 amended by No. 49 of 2004 s. 44;
- Building Services (Registration) Act 2011;
- Building Services (Complaint Resolutions and Administration) Act 2011; and
- Building Service Levy Act 2011.

POLICY IMPLICATIONS:

There are no known previous policies.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial implications.

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

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable, urban and rural Development.

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

Goal 5: Leading the Opportunities.

Outcome 5.2: Leadership and good governance.

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

Regional Outcomes:

There are no regional outcomes.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

The City currently has the following delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960:

- Determination of Application for Building Licence and Building Approval Certificates;
- Classification of Buildings;
- Notices – Part XV Local Government (Miscellaneous Provisions) Act 1960; and
- Determination of Demolition Licences.

With the introduction of the Building Act 2011, the above delegations have become redundant in that the head of power has shifted from the Local Government (Miscellaneous Provisions) Act 1960 to the Building act 2011. New delegations are therefore needed under the Building Act 2011.

Section 127 of the Building Act 2011 enables local governments the ability to delegate any powers or duties to an employee.

Council is requested to approve the following new delegations as provided under the following sections of the Building Act:

- s20 – Approve or refuse a Building Permit.

- s21 – Approve or refuse a Demolition Permit.
- s58 - Issue an Occupancy Permit and a Building Approval Certificate.
- s65 - Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.
- s110 - Issue Building Orders.
- s117 - Revoke Building Orders.

Authorisations

The City currently has one Authorisation under the Local Government (Miscellaneous Provisions) Act 1960, which provides Authority for its Building Surveyor/pool compliance officer to inspect private swimming pools within the City's boundaries has been repealed.

With the introduction of the Building Act 2011, existing authorisations will be affected; and additional authorisations are needed for officers to carry out the relevant provisions under the Building Act 2011 Part 7 - Existing buildings.

Under s.96 of the Building Act 2011, permit authorities (local governments) may also designate employees as authorised persons.

The following new authorisations are therefore proposed under different sections of the Building Act:

- s100 - Entry Powers
 - s101 - Powers after entry for compliance purposes
 - s102 - Obtaining information and documents
 - s103 - Use of force and assistance
- (1) *An authorised person may use assistance and force that is reasonably necessary in the circumstances when exercising a power under this Act but cannot use force against a person.*
 - (2) *If the use of reasonable force is likely to cause significant damage to property, an authorised person is not entitled to use force unless —*
 - (a) *the person does so in accordance with the directions of a police officer in the particular case; or*
 - (b) *the force is reasonably required in the course of taking action under section 118(2).*
 - (3) *An authorised person may request a police officer or other person to assist the authorised person in exercising powers under this Act.*
 - (4) *In addition to the powers of a police officer, a police officer —*
 - (a) *has all the functions and powers of an authorised person under this Act; and*

- (b) *may use reasonable force to remove from a building or incidental structure a person who fails to leave when directed to do so under section 101(2).*
- (5) *While a person is assisting an authorised person at the request of the authorised person and in accordance with this Act, the person —*
- (a) *has the same powers; and*
 - (b) *is subject to the same responsibilities; and*
 - (c) *has the same protection from liability,*

as in like circumstances would be conferred or imposed on the authorised person under this Act.

118. Permit authority may give effect to building order if non-compliance

- (2) *If there is non-compliance with an order the permit authority that made the relevant building order may cause an authorised person —*
- (a) *to take any action specified in the order; or*
 - (b) *to commence or complete any work specified in the order; or*
 - (c) *if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease.*

101. Powers after entry for compliance purposes

- (2) *In taking action under section 118(2) in respect of a building order that requires a person to cause a building or incidental structure to be evacuated, an authorised person may direct any person to leave the building or incidental structure.*

- s106 - Apply for an entry warrant.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority under section 5.42 of the *Local Government Act 1995* RESOLVES to:

1. REFUSE to delegate authority to the Chief Executive Officer.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Absolute Majority under the *Local Government Act 1995* RESOLVES to:

1. DEFER the matter for further consideration.

CONCLUSION:

A New Building Act 2011 was passed on the 23 June 2011 and the new Building Regulations 2012 commenced on the 02 April 2012.

The City Building Surveyor's current delegations needs to be aligned with the new Building Act 2011 and needs to be approved to allow the building department (Local Government) to operate as a permit authority and ensure that the building and compliance areas can operate to the same extent as it did under the provisions of the old Act.

As can be seen above, there are specific clauses that apply to both entry and use of force. In those circumstances a formal entry warrant would need to be sought and granted and Executive Recommendation proposes delegation to the CEO and the delegation to officers will be conditioned accordingly.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority in accordance with section 5.42 of the Local Government Act 1995, RESOLVES to:

1. DELEGATE authority to the Chief Executive Officer for the following:
(See attached tables)

DELEGATED AUTHORITY BUILDING ORDERS	
Function to be performed:	<ol style="list-style-type: none"> 1) To make building orders pursuant to section 110 of the <i>Building Act 2011</i> in relation to: - <ul style="list-style-type: none"> • Building work • Demolition work • An existing building or incidental structure 2) To revoke building orders pursuant to section 117 of the Building Act 2011
Delegator:	Chief Executive Officer – City of Greater Geraldton
Delegate:	Manager Building Assessment & Compliance Senior Building Surveyor Building Surveyor Compliance Officer
Sub Delegation to:	N/A
Legislative Powers:	Sections 110 and 117 and 127 of the Building Act 2011
Conditions and Exceptions:	<ul style="list-style-type: none"> • The Building Surveyor refer Notices to the Corporate Lawyer where it is considered appropriate; • Determine that an order is to remain in effect in accordance with section 117 (2) of the Building Act 2011 where it is considered appropriate; and <ol style="list-style-type: none"> 1) In undertaking the functions of this delegation, Building Surveyors must be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995.

Duration of delegations:	Until next annual review
Origin of Delegation:	
Delegation last reviewed:	
DELEGATED AUTHORITY	
BUILDING PERMIT	
Function to be performed:	To approve or refuse to approve plans and specifications submitted under section 20 of the Building Act 2011
Delegator:	Chief Executive Officer – City of Greater Geraldton
Delegate:	Manager Building Assessment & Compliance Senior Building Surveyor Building Surveyor
Sub Delegation to:	N/A
Legislative Powers:	Sections 20, 22 and 127 of the Building Act 2011
Conditions and Exceptions:	In undertaking the functions of this delegation, Building Surveyors must: <ul style="list-style-type: none"> 1) be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995. <p>In addition to the above for an uncertified application, Building Surveyors must hold the appropriate qualification as set out under Regulation 6 of the Local Government (Building Surveyors) Regulations 2008.</p>
Duration of delegations:	Until next annual review
Origin of Delegation:	
DELEGATED AUTHORITY	
DEMOLITION PERMIT	
Function to be performed:	To approve or refuse to approve plans and specifications submitted under section 21 of the <i>Building Act 2011</i>
Delegator:	Chief Executive Officer – City of Greater Geraldton
Delegate:	Manager Building Assessment & Compliance Senior Building Surveyor Building Surveyor
Sub Delegation to:	N/A
Legislative Powers:	Sections 21, 22 and 127 of the Building Act 2011
Conditions and Exceptions:	In undertaking the functions of this delegation, Building Surveyors must: <ul style="list-style-type: none"> 1) be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995.

Duration of delegations:	Until next annual review			
Origin of Delegation:				
DELEGATED AUTHORITY				
GRANT OF OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE				
Function to be performed:	To approve, modify or refuse to approve application submitted under section 58 of the <i>Building Act 2011</i>			
Delegator:	Chief Executive Officer – City of Greater Geraldton			
Delegate:	Manager Building Assessment & Compliance; Senior Building Surveyor; and Building Surveyor.			
Sub-delegation to:	N/A			
Legislative Powers:	Sections 58 and 127 of the Building Act 2011			
Conditions and Exceptions:	In undertaking the functions of this delegation, Building Surveyors must: 1) be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995.			
Duration of delegations:	Until next annual review			
Origin of Delegation:				
Delegation last reviewed:				
BUILDING AUTHORISATIONS UNDER s96(3) BUILDING ACT 2011				
COUNCIL AUTHORISATIONS OF POSITION TITLE:				
BULDING ACT 2011	s100	Entry Powers	Authorised Person	- Manager Building Assessment & Compliance. - Senior Building Surveyor - Building Surveyor; - Compliance Officer; - Swimming Pool Compliance Officer.
BULDING ACT 2011	s101	Powers after entry for compliance purposes	Authorised Person	- Manager Building Assessment & Compliance; - Senior Building Surveyor - Compliance officer;
BUILDING ACT 2011	s102	Obtaining Information and documents	Authorised Person	- Manager Building Assessment & Compliance; - Compliance officer;

BUILDING ACT 2011	s103	Use of force and assistance	Authorised Person	- Chief Executive Officer.
BUILDING ACT 2011	s106	Application for warrant to enter a place	Authorised Person	- Chief Executive Officer.

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR BENNETT**

That Council by Absolute Majority in accordance with section 5.42 of the Local Government Act 1995, **RESOLVES** to:

1. **DELEGATE** authority to the Chief Executive Officer for the following:
(See attached tables)

DELEGATED AUTHORITY BUILDING ORDERS	
Function to be performed:	<p>3) To make building orders pursuant to section 110 of the <i>Building Act 2011</i> in relation to: -</p> <ul style="list-style-type: none"> • Building work • Demolition work • An existing building or incidental structure <p>4) To revoke building orders pursuant to section 117 of the <i>Building Act 2011</i></p>
Delegator:	Chief Executive Officer – City of Greater Geraldton
Delegate:	Manager Building Assessment & Compliance Senior Building Surveyor Building Surveyor Compliance Officer
Sub Delegation to:	N/A
Legislative Powers:	Sections 110 and 117 and 127 of the <i>Building Act 2011</i>
Conditions and Exceptions:	<ul style="list-style-type: none"> • The Building Surveyor refer Notices to the Corporate Lawyer where it is considered appropriate; • Determine that an order is to remain in effect in accordance with section 117 (2) of the <i>Building Act 2011</i> where it is considered appropriate; and <p>2) In undertaking the functions of this delegation, Building Surveyors must be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the <i>Local Government Act 1995</i>.</p>
Duration of delegations:	Until next annual review
Origin of Delegation:	
Delegation last reviewed:	
DELEGATED AUTHORITY BUILDING PERMIT	
Function to be	To approve or refuse to approve plans and specifications

performed:	submitted under section 20 of the Building Act 2011
Delegator:	Chief Executive Officer – City of Greater Geraldton
Delegate:	Manager Building Assessment & Compliance Senior Building Surveyor Building Surveyor
Sub Delegation to:	N/A
Legislative Powers:	Sections 20, 22 and 127 of the Building Act 2011
Conditions and Exceptions:	In undertaking the functions of this delegation, Building Surveyors must: <p style="text-align: center;">2) be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995.</p> In addition to the above for an uncertified application, Building Surveyors must hold the appropriate qualification as set out under Regulation 6 of the Local Government (Building Surveyors) Regulations 2008.
Duration of delegations:	Until next annual review
Origin of Delegation:	
DELEGATED AUTHORITY	
DEMOLITION PERMIT	
Function to be performed:	To approve or refuse to approve plans and specifications submitted under section 21 of the <i>Building Act 2011</i>
Delegator:	Chief Executive Officer – City of Greater Geraldton
Delegate:	Manager Building Assessment & Compliance Senior Building Surveyor Building Surveyor
Sub Delegation to:	N/A
Legislative Powers:	Sections 21, 22 and 127 of the Building Act 2011
Conditions and Exceptions:	In undertaking the functions of this delegation, Building Surveyors must: <p style="text-align: center;">2) be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995.</p>
Duration of delegations:	Until next annual review
Origin of Delegation:	
DELEGATED AUTHORITY	
GRANT OF OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE	
Function to be performed:	To approve, modify or refuse to approve application submitted under section 58 of the <i>Building Act 2011</i>

Delegator:	Chief Executive Officer – City of Greater Geraldton			
Delegate:	Manager Building Assessment & Compliance; Senior Building Surveyor; and Building Surveyor.			
Sub-delegation to:	N/A			
Legislative Powers:	Sections 58 and 127 of the Building Act 2011			
Conditions and Exceptions:	<p>In undertaking the functions of this delegation, Building Surveyors must:</p> <p style="text-align: center;">2) be employed by the City of Greater Geraldton in accordance with <i>section 5.36</i> of the Local Government Act 1995.</p>			
Duration of delegations:	Until next annual review			
Origin of Delegation:				
Delegation last reviewed:				
BUILDING AUTHORISATIONS UNDER s96(3) BUILDING ACT 2011				
COUNCIL AUTHORISATIONS OF POSITION TITLE:				
BUILDING ACT 2011	s100	Entry Powers	Authorised Person	<ul style="list-style-type: none"> - Manager Building Assessment & Compliance. - Senior Building Surveyor - Building Surveyor; - Compliance Officer; - Swimming Pool Compliance Officer.
BUILDING ACT 2011	s101	Powers after entry for compliance purposes	Authorised Person	<ul style="list-style-type: none"> - Manager Building Assessment & Compliance; - Senior Building Surveyor - Compliance officer;
BUILDING ACT 2011	s102	Obtaining Information and documents	Authorised Person	<ul style="list-style-type: none"> - Manager Building Assessment & Compliance; - Compliance officer;
BUILDING ACT 2011	s103	Use of force and assistance	Authorised Person	<ul style="list-style-type: none"> - Chief Executive Officer.

BUILDING ACT 2011	s106	Application for warrant to enter a place	Authorised Person	- Chief Executive Officer.
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CARRIED BY ABSOLUTE MAJORITY 13/0

CC052	PARKING IN CENTRAL BUSINESS DISTRICT, SOUTHERN BOATING AREA AND NORTHGATE SURROUNDS
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AGENDA REFERENCE:	D-12-15951
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	2 March 2012
FILE REFERENCE:	LE/0007
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

SUMMARY:

To seek Council endorsement of the parking arrangements available for vehicles in the Central Business District, Southern Boating area and roads surrounding the Northgate Shopping Centre.

PROponent:

The proponent is City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton is in the process of reviewing and finalising Local Laws. One of the Laws under review is the Parking and Parking Facilities Local Law.

The current Parking and Parking Facilities Local Law was last gazetted on the 24 November 2008.

Section 1.5 sub-section (5) states the following:

A sign that-

- a) Was erected by the local government or Commissioner of Main Roads prior to the coming into operation of this local law; and
- b) Relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

Section 1.8 states:

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicles or class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

Section 3.1 states:

The local government may by resolution constitute, determine and vary and also indicate by signs-

- a) Parking stalls;
- b) Parking stations;
- c) Permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;

- d) Permitted classes of vehicles which may park in the parking stalls and parking stations
- e) Permitted classes of persons who may park in specified parking stalls or parking stations; and
- f) The manner of parking in parking stalls and parking stations.

A review of all signage has been conducted in the Central Business District, Southern Boating area and the Roads surrounding the Northgate Shopping Centre. Maps indicating the current parking prohibitions and regulations for these areas are attached.

The maps indicate all on street and off street parking in the areas outlined. This includes the 6 City of Greater Geraldton Car Parking Stations. The item shows consideration for the Parking Strategy which has been presented to Council and endorsed and the Parking Management Plan currently under development.

This item seeks Council endorsement of the parking restrictions in these areas and to resolve that these parking restrictions are current prior to the new parking and Parking Facilities Local Law being gazetted.

COMMUNITY CONSULTATION:

This item refers to signage already in place within the Greater Geraldton community. Therefore no direct consultation with the community has taken place. Should Council endorse the parking restrictions, these recommendations will be advertised widely to the City of Greater Geraldton community.

COUNCILLOR CONSULTATION:

No Councillors have been consulted in relation to this item.

STATUTORY IMPLICATIONS:

Section 1.8 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law states:

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicles or class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

Section 3.1 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law states:

The local government may by resolution constitute, determine and vary and also indicate by signs-

- a) Parking stalls;
- b) Parking stations;
- c) Permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- d) Permitted classes of vehicles which may park in the parking stalls and parking stations

- e) Permitted classes of persons who may park in specified parking stalls or parking stations; and
- f) The manner of parking in parking stalls and parking stations.

Section 1.7 (5) of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012 currently in draft states:

- (1) A sign that —
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region,
 shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

The new City of Greater Geraldton Parking and Parking Facilities Local Law will be presented to Council in coming months for consideration prior to gazettal.

POLICY IMPLICATIONS:

The City Centre Transport Planning & Car Parking Strategy was endorsed by Council on 28 February 2012. One of the objectives of the Strategy is to provide an adequate supply of short and long-term car parking spaces that conveniently located and are easily accessible to support the desired growth of the City Centre. It also promotes opportunities to utilise existing car parking facilities to ensure that demand for parking is spread more evenly between on and off-street car parking.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

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

Regional Outcomes:

There are no regional outcomes.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The provision of appropriate parking restrictions enables access to business and the ability for various businesses to conduct their operations, then having a flow on effect to the local economy.

Social:

The provision of appropriate parking restrictions enables fair vehicle access to areas within the City of Geraldton-Greenough.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

The City of Geraldton-Greenough Council under powers conferred by the Local Government Act resolved to make the Parking and Parking Facilities Local Law 2008 on the 28 October 2008. The Local Law was printed in the Government Gazette on 24 November 2008.

DELEGATED AUTHORITY:

Section 3.1 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law 2008 outlines:

3.1 Determination of parking stalls and parking stations

The local government may by resolution constitute, determine and vary and also indicate by signs-

- a) Parking stalls;
- b) Parking stations;
- c) Permitted time and conditions of parking stalls and parking stations which may vary with the locality;
- d) Permitted classes of vehicles which may park in parking stalls and parking stations;
- e) Permitted classes of persons who may park in specified parking stalls and parking stations; and
- f) The manner of parking in parking stalls and parking stations.

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 1.8 and Section 3.1 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law RESOLVES to:

1. DEFER the matter to an alternate meeting of Council; 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 1.8 and 3.1 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law RESOLVES to:

1. RECOMMEND a variation to the current parking as represented on the map 'Current available public on street and off-street parking within the Central Business District (CBD)';
 - a. variation to be determined by Council; and
2. SEEKS a report on the implications of proposed changes to be presented back to Council in 3 months.

CONCLUSION:

The City of Geraldton-Greenough Parking and Parking Facilities Local Law 2008 outlines the role of Council in endorsing parking signage and metered space restrictions. This item, allows Council to review and endorse the current parking available in the Central Business District, Southern Boating area and Roads surrounding the Northgate Shopping Centre. Option one is recommended to ensure that Council complies with the Local Laws relating to parking and prepares Council in terms of confirming those signs erected prior to the new City of Greater Geraldton Parking and Parking Facilities Local Law coming into effect. Option two is available should Council require further information.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 1.8 and 3.1 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law RESOLVES to:

1. DETERMINE the current available parking and parking restrictions in the City of Greater Geraldton, specifically the areas in Central Business District, Southern Boating area and Roads surrounding the Northgate Shopping Centre, to be as indicated on the map 'Current available public on street and off-street parking within the Central Business District (CBD)';
2. DETERMINE that the fees for parking stations will be set according to the City of Greater Geraldton Schedule of Fees and Charges; and
3. ERECT new signage as required that correlates with the areas as identified on the attached map that can be maintained as required.

COUNCIL DECISION**MOVED CR BRICK, SECONDED CR MCILWAINE**

That Council by Simple Majority pursuant to Section 1.8 and 3.1 of the City of Geraldton-Greenough Parking and Parking Facilities Local Law RESOLVES to:

1. **DETERMINE the current available parking and parking restrictions in the City of Greater Geraldton, specifically the areas in Central Business District, Southern Boating area and Roads surrounding the Northgate Shopping Centre, to be as indicated on the map**

- ‘Current available public on street and off-street parking within the Central Business District (CBD)’;**
- 2. DETERMINE that the fees for parking stations will be set according to the City of Greater Geraldton Schedule of Fees and Charges; and**
 - 3. ERECT new signage as required that correlates with the areas as identified on the attached map that can be maintained as required.**

CARRIED 13/0

CC053 DOG ACT AUTHORISED OFFICER	
AGENDA REFERENCE:	D-12-15956
AUTHOR:	J Clarke, Coordinator Ranger Staff
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	3 April 2012
FILE REFERENCE:	LE/7/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

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

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

On 21 February 2012, Chris Dawson commenced employment as a City of Greater Geraldton Ranger.c

On 3 April 2012, Neil Ferridge commenced employment as a City of Greater Geraldton Ranger.

This item is presented to Council to ensure Chris Dawson and Neil Ferridge are duly authorised under the Dog Act 1976 (as amended) to carry out their duties.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

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

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

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

- Goal 1: Opportunities for lifestyle.
- Outcome 2: A safe, secure and supportive community.
- Strategy 1.3.1: Support effective community emergency services and animal management.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic issues.

Social:

It is imperative that Council has Officers that are appropriately authorised under the Dog Act 1976 (as amended) to ensure a safe community.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

On 20 December 2011 Council resolved to appoint the following officers for the period of their employment at the City of Greater Geraldton:

- a. Konrad Seidl;
- b. Judith Clarke;
- c. Cole Tanner;
- d. Craig Wing;
- e. Douglas Brennan;
- f. Emma Jay Ingrams;
- g. David Geqwin;
- h. Benoit Tomasino;
- i. William Currans;
- j. Archie brown; and
- k. Peter Smith.

DELEGATED AUTHORITY:

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

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

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

CONCLUSION:

It is recommended that Council staff are duly authorised under the Dog Act 1976 (as amended) and this report is presented to for a resolution of Council. There is no third option for this report.

EXECUTIVE RECOMMENDATION:

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

1. APPOINT the following persons as an authorised officer for the period of their employment at the City of Greater Geraldton:
 - a. Chris Dawson; and
 - b. Neil Ferridge.

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

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

1. **APPOINT the following persons as an authorised officer for the period of their employment at the City of Greater Geraldton:**
 - a. Chris Dawson; and**
 - b. Neil Ferridge.**

CARRIED 13/0

CC054 HMAS SYDNEY II MEMORIAL ADVISORY COMMITTEE	
AGENDA REFERENCE:	D-12-15957
AUTHOR:	A Selvey, Director of Creative Communities
EXECUTIVE:	A Selvey, Director of Creative Communities
DATE OF REPORT:	4 April 2012
FILE REFERENCE:	GO/6/0009
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

SUMMARY:

This report seeks a Council resolution regarding the membership of HMAS Sydney II Memorial Advisory Committee. The purpose of the committee is to provide advice to Council on the ongoing good management of the HMAS Sydney II Memorial.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

At the Ordinary Meeting of Council on 20 December 2011, Council, in recognition of the importance of the HMAS Sydney II Memorial, resolved to establish a committee to provide advice to Council on the ongoing good management of the Memorial.

COUNCIL DECISION

MOVED CR BRICK, SECONDED CR MCILWAIN

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

1. *ESTABLISH a HMAS Sydney II Memorial Advisory Committee with the following Terms of Reference;*
 - a. *To make recommendations to Council that will assist Council decision-making for the management and long term planning for the Memorial.*
 - b. *To facilitate a spirit of collaboration and cooperation for the management and promotion of the HMAS Sydney II Memorial.*
 - c. *To include as members, representatives of local, State and National stakeholder organisations limited to one representative from each agency with maximum membership of 10 members.*
 - d. *To include as ex-Officio, representatives of other interested parties on an as-needs basis.*
 - e. *To review the existing management of the Memorial and recommend a management model that will acknowledge both local and national values and preserve its independent and enduring purpose. To recommend those arrangements by June 2012. The review should include the following:*
 - i. *The type of management body, its membership, responsibilities and account;*
 - ii. *Establishment of Design Principles under which the Memorial is managed;*
 - iii. *A formal plan to enhance the local, national and international profile of the Memorial;*

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- iv. *Establishment of a communication protocol/framework;*
 - f. *To provide a platform for community input into the management and long term planning.*
 - g. *The tenure of the Committee will expire on 15 October 2013.*
 - h. *Meetings will be held as needed.*
 - 2. *APPOINT as members of the Committee:*
 - a. *Mayor I Carpenter*
 - b. *Cr. R Ashplant*
 - c. *Cr. B Hall (proxy)*
 - 3. *SEEK Expressions of Interest from stakeholders and the broader community for membership.*
 - 4. *APPOINT the Councillor Representatives as the selection advisory panel responsible for assessing all Expressions of Interest received for membership on the HMAS Sydney II Memorial Advisory Committee and making recommendations for membership to Council.*

CARRIED BY ABSOLUTE MAJORITY 15/0

In accordance with the Council resolution, all identified stakeholders were contacted by letter and invited to submit Expressions of Interest (see attachment 1 for a list of stakeholders contacted). In addition, an advertisement was placed in the Midwest Times on Thursday 19 January 2012 and the Geraldton Guardian on Friday 20 January 2012 calling for Expressions of Interest. A total of 12 EOIs were received (see attachment 2).

Also in accordance with the Council resolution, the Mayor and Cr Ashplant reviewed all EOIs and make the following recommendations for membership to the HMAS Sydney II Memorial Advisory Committee.

- Mr Jody Beven, representing the Mid West Chamber of Commerce and Industry;
- Dr Howard Gray, representing the Batavia Coast Maritime Heritage Association;
- Mr Ross Davies, representing the Returned & Services League of Australia WA Branch Inc.;
- Ms Catherine Belcher, representing the WA Museum;
- Mr David l'Anson, representing the Geraldton Volunteer Tour Guides Assn Inc.;
- Mr Ian Blayney MLA, Member for Geraldton, representing the West Australian Government;
- Mr Kevin Green, representing the Rotary Club of Geraldton;
- Mr Bob Trotter, representing the Naval Association of Australia; and
- Mr Ted Graham.

COMMUNITY CONSULTATION:

All identified stakeholders have been advised of the intent to formalise the community input via the formation of the HMAS Sydney II Memorial Advisory Committee and invited to submit Expressions of Interest for representation on this committee. In addition, the intent to form the committee was advertised in the Midwest Times on Thursday 19 January 2012 and the Geraldton Guardian on Friday 20 January 2012 and called for Expressions of Interest.

COUNCILLOR CONSULTATION:

The Mayor and Cr Ashplant have shortlisted the candidates for the committee as per the Council resolution.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

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

FINANCIAL AND BUDGET IMPLICATIONS:

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

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

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

Regional Outcomes:

There are no regional outcomes.

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

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

Social:

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

Environmental:

There are no environmental issues.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

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

VOTING REQUIREMENTS:

One third majority for Part A of Option 4. Absolute majority for Option 2 and Part B, Option 4 and Executive Recommendation. Simple majority for Option 3 and Part C of Option 4.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. APPOINT as members of the HMAS Sydney II Memorial Advisory Committee the following:
 - a. to be determined by Council; 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 5.8 of the Local Government Act 1995 RESOLVES to:

1. READVERTISE for Expressions of Interest for committee membership for HMAS Sydney II Memorial Advisory Committee; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 4:**Part A**

That Council by a 1/3 Majority pursuant to Section 5.8 of the Local Government Act 1995 RESOLVES to CONSIDER RESCINDING the Council decision made at the Ordinary Meeting of Council on 20 December 2011 being:

*COUNCIL DECISION
MOVED CR BRICK, SECONDED CR MCILWAINE*

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

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

CARRIED BY ABSOLUTE MAJORITY 15/0

Part B

That Council by an Absolute Majority pursuant to Section 5.8 of the Local Government Act 1995 RESOLVES to RESCIND the Council Decision made at the Ordinary Meeting of Council 20 December 2011 being:

COUNCIL DECISION

MOVED CR BRICK, SECONDED CR MCILWAIN

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

1. *ESTABLISH a HMAS Sydney II Memorial Advisory Committee with the following Terms of Reference;*
 - a. *To make recommendations to Council that will assist Council decision-making for the management and long term planning for the Memorial.*
 - b. *To facilitate a spirit of collaboration and cooperation for the management and promotion of the HMAS Sydney II Memorial.*

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- c. *To include as members, representatives of local, State and National stakeholder organisations limited to one representative from each agency with maximum membership of 10 members.*
 - d. *To include as ex-Officio, representatives of other interested parties on an as-needs basis.*
 - e. *To review the existing management of the Memorial and recommend a management model that will acknowledge both local and national values and preserve its independent and enduring purpose. To recommend those arrangements by June 2012. The review should include the following:*
 - i. *The type of management body, its membership, responsibilities and account;*
 - ii. *Establishment of Design Principles under which the Memorial is managed;*
 - iii. *A formal plan to enhance the local, national and international profile of the Memorial;*
 - iv. *Establishment of a communication protocol/framework;*
 - f. *To provide a platform for community input into the management and long term planning.*
 - g. *The tenure of the Committee will expire on 15 October 2013.*
 - h. *Meetings will be held as needed.*
2. *APPOINT as members of the Committee:*
 - a. *Mayor I Carpenter*
 - b. *Cr. R Ashplant*
 - c. *Cr. B Hall (proxy)*
 3. *SEEK Expressions of Interest from stakeholders and the broader community for membership.*
 4. *APPOINT the Councillor Representatives as the selection advisory panel responsible for assessing all Expressions of Interest received for membership on the HMAS Sydney II Memorial Advisory Committee and making recommendations for membership to Council.*

CARRIED BY ABSOLUTE MAJORITY 15/0

Part C

That Council by Simple Majority pursuant to Section 5.8 of the Local Government Act 1995 RESOLVES to NOT form a committee to provide advice on the ongoing management of the HMAS Sydney II Memorial.

CONCLUSION:

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

EXECUTIVE RECOMMENDATION:

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

1. APPOINT as members of the HMAS Sydney II Memorial Advisory Committee the following people on the basis that their appointment is endorsed by the agency they represent and that their membership will cease should the City be advised they no longer represent the relevant agency:
 - a. Mr Jody Beven of the Mid West Chamber of Commerce and Industry;
 - b. Dr Howard Gray of the Batavia Coast Maritime Heritage Association;
 - c. Mr Ross Davies of the Returned & Services League of Australia WA Branch Inc.;
 - d. Ms Catherine Belcher of the WA Museum;
 - e. Mr David l'Anson of the Geraldton Volunteer Tour Guides Assn Inc.;
 - f. Mr Ian Blayney MLA, Member for Geraldton;
 - g. Mr Kevin Green of the Rotary Club of Geraldton;
 - h. Mr Bob Trotter of the Naval Association of Australia; and
 - i. Mr Ted Graham.

COUNCIL DECISION**PART A****MOVED CR HALL, SECONDED CR VAN STYN**

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

1. **APPOINT** as members of the HMAS Sydney II Memorial Advisory Committee the following:
 - a. Mr Jody Beven;
 - b. Mr Ross Davies;
 - c. Dr Howard Gray;
 - d. Ms Catherine Belcher;
 - e. Mr Kevin Green;
 - f. Mr David l'Anson;
 - g. Mr Ian Blayney; and
2. **MAKES** the determination that Council believes that the list of the locally selected people are capable of undertaking the duties in the Terms of Reference.

LOST 2/11

B Davis left Chambers at 8.17pm

B Davis returned to Chambers at 8.18pm

COUNCIL DECISION**PART B****MOVED CR HALL, SECONDED CR VAN STYN**

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

1. SET as an additional to the Terms of Reference:
 - a. That the Council of the City of Greater Geraldton hereby instruct that the Sydney II Memorial Committee that is clearly the wish of the people that at no time shall there be any consideration given to the establishment of any commercial enterprise on or near to the Memorial or the curtilage (area surrounding the memorial structures); and
2. MAKES the determination based on the following reason:
 - a. The memorial is as it is and should now remain with full integrity of intent as a Memorial and not as a financial attraction.

LOST 3/10

COUNCIL DECISION**MOVED CR RAMAGE, SECONDED CR GABELISH**

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

1. APPOINT as members of the HMAS Sydney II Memorial Advisory Committee the following people on the basis that their appointment is endorsed by the agency they represent and that their membership will cease should the City be advised they no longer represent the relevant agency:
 - a. Mr Jody Beven of the Mid West Chamber of Commerce and Industry;
 - b. Dr Howard Gray of the Batavia Coast Maritime Heritage Association;
 - c. Mr Ross Davies of the Returned & Services League of Australia WA Branch Inc.;
 - d. Ms Catherine Belcher of the WA Museum;
 - e. Mr David l'Anson of the Geraldton Volunteer Tour Guides Assn Inc.;
 - f. Mr Ian Blayney MLA, Member for Geraldton;
 - g. Mr Kevin Green of the Rotary Club of Geraldton;
 - h. Mr Bob Trotter of the Naval Association of Australia; and
 - i. Mr Ted Graham.

CARRIED BY ABSOLUTE MAJORITY 12/1

CE037	LEASE TENURE – GORDON GARRATT DRIVE, GERALDTON AIRPORT
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AGENDA REFERENCE:	D-12-15235
AUTHOR:	L MacLeod, Coordinator Land & Property Services
EXECUTIVE:	B Davis, Director Commercial Enterprises
DATE OF REPORT:	29 March 2012
FILE REFERENCE:	PM/6/0009
APPLICANT / PROPONENT:	Busby Investments Pty Ltd
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Councils approval to lease Lot 4 Gordon Garratt Drive, Moonyoonooka (Geraldton Airport) to Busby Investments Pty Ltd (trading as Budget Rent A Car) for the purpose of Car Hire Operations.

PROponent:

The proponent is Busby Investments Pty Ltd

BACKGROUND:

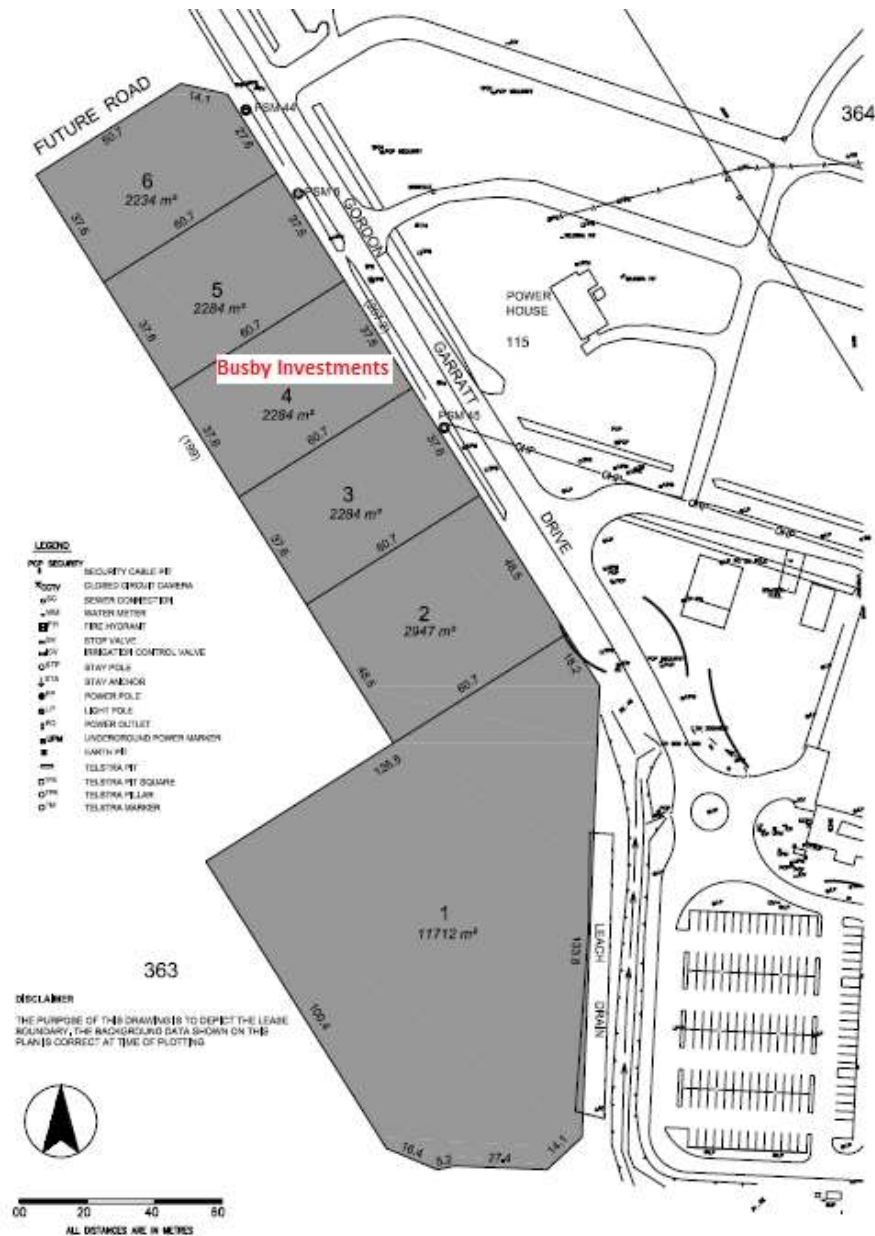
The City of Greater Geraldton has initiated a project for significant expansion of both short and long term car parking capacity at the Geraldton Airport.

To create space for the additional short and long term car parking, some existing structures will have to be removed including the relocation of current Car Hire operator areas which include operational parking, vehicle maintenance, wash down and fuelling facilities.

The City recently conducted an Expression of Interest (EOI) seeking submissions from interested parties to lease one of five lots located on Gordon Garratt Drive adjacent to the Greenough Terminal. Three submissions were received from Car Hire companies already operating from the Greenough Terminal.

Busby Investments Pty Ltd, trading as Budget Rent A Car, recently contacted the City enquiring about the lease tenure for the Gordon Garratt Drive lots. Although Busby Investments did not submit an EOI when advertised, they have been operating out of the Greenough Terminal for many years and are aware of relocation of the Car Hire operator areas in the near future.

A formal request to lease one of the remaining two lots for a short term period of five (5) years with a further term of five (5) years was received from Busby Investments on 21 March 2012.



COMMUNITY CONSULTATION:

There has been no community consultation at this point for the disposal of the land pursuant to Section 3.58 of the Local Government Act 1995. However should Council support the recommendation to proceed, statutory advertising for a period of not less than two weeks inviting public submissions will commence.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

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

Section 3.58:

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The commencement lease fee for Lot 4 Gordon Garratt Drive, based on a current ground market valuation, is \$20,000 (excluding GST). The lease fee will be adjusted annually as at 1 July in line with the preceding March Consumer Price Index for Perth. The lease will be subject to a ground market valuation each triennium and at the commencement of any further term with the lease fees adjusted accordingly.

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

Goal 2: Opportunities for Prosperity

Outcome 2.2: Greater Geraldton as a leading regional and rural destination.

Strategy 2.2.2: Promote tourism and investment opportunities including cultural tourism.

Regional Outcomes:

This proposal will enable the continuation and potential expansion of Car Hire facilities at the Geraldton Airport providing a greater service to patrons

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Lease fees assist in the ongoing development of the Business/Technology Park.

Social:

There are no social impacts with this proposal.

Environmental:

There are no environmental impacts with this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

Council resolved at its meeting of 27 March 2012 to lease Lots 2, 3, and 6 Gordon Garratt Drive, Moonyoonooka to Car Hire companies currently operating out of the Greenough Terminal.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

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

Option 3:

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

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

CONCLUSION:

Support for the Executive Recommendation would enable one of the current Car Hire Companies operating out of the Greenough Terminal to construct purpose build facilities and establish their business at the Geraldton Airport on an ongoing basis.

EXECUTIVE RECOMMENDATION: (CE037 SM)

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

1. GIVE local public notice of the intent to lease 2284 square metres of land at the Geraldton Airport known as Lot 4 Gordon Garratt Drive, Moonyoonooka to Busby Investments Pty Ltd trading as Budget Rent a Car for the purpose of car hire operations;
2. MAKE the determination subject to:
 - a. advertising notice period of no less than two weeks inviting public submissions;
 - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. SET the proposed conditions as:
 - a. enter into a five (5) year lease agreement;
 - b. make provision for a further renewal option of five (5) years;
 - c. set the commencement ground lease rental fee at \$20,000 plus GST per annum;
 - d. require a ground market valuation review to be undertaken every three (3) years during the term of the lease and at the commencement of any further term, and adjust the lease fees accordingly;
 - e. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index; and
 - f. the lessee being responsible for separately paying all applicable rates, taxes and other utilities.
4. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
5. REFER the matter back to Council for final consideration if any submissions are received.

Cr Bennett left Chambers at 8.25pm

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

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

1. **GIVE** local public notice of the intent to lease 2284 square metres of land at the Geraldton Airport known as Lot 4 Gordon Garratt Drive, Moonyoonooka to Busby Investments Pty Ltd trading as Budget Rent a Car for the purpose of car hire operations;
2. **MAKE** the determination subject to:
 - a. advertising notice period of no less than two weeks inviting public submissions;
 - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. **SET** the proposed conditions as:
 - a. enter into a five (5) year lease agreement;
 - b. make provision for a further renewal option of five (5) years;
 - c. set the commencement ground lease rental fee at \$20,000 plus GST per annum;
 - d. require a ground market valuation review to be undertaken every three (3) years during the term of the lease and at the commencement of any further term, and adjust the lease fees accordingly;
 - e. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index; and
 - f. the lessee being responsible for separately paying all applicable rates, taxes and other utilities.
4. **DELEGATE** authority to the CEO to grant approval subject to there being no objecting submissions received; and
5. **REFER** the matter back to Council for final consideration if any submissions are received.

CARRIED 12/0

CE038	AMALGAMATION OF RESERVES – GERALDTON REGIONAL ABORIGINAL MEDICAL SERVICE (GRAMS) AND COMBINED UNIVERSITIES CENTRE FOR RURAL HEALTH (CUCRH) AND THE PROPOSED DEDICATION OF HOWES STREET AS A PUBLIC ROAD
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AGENDA REFERENCE:	D- 12-15881
AUTHOR:	B Robartson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director of Commercial Enterprises
DATE OF REPORT:	26 March 2012
FILE REFERENCE:	R33813
APPLICANT / PROPONENT:	Geraldton Regional Aboriginal Medical Service (GRAMS) and Combined Universities Centre for Rural Health (CUCRH)
ATTACHMENTS:	Yes

SUMMARY:

This report seeks Council approval to approve an expansion of the existing GRAMS Reserve 41879 (Lot 3215) to incorporate 2581m² from the adjoining Public Recreation Reserve 33813 (Lot 3214). The purpose of expansion is to increase the primary health care services provided by GRAMS with CUCRH.

The opportunity now exists to formally dedicate Howes Street, although a formally constructed road is in fact still part of Reserve 33813 and is not a gazetted public road.

This report also recommends Council initiate closure and dedication proceedings to formally convert Howes Street into a public road.

PROPONENT:

The proponent is Geraldton Regional Aboriginal Medical Service (GRAMS) and Combined Universities Centre for Rural Health (CUCRH).

BACKGROUND:

Early in 2011, GRAMS with the assistance of CUCRH were awarded a grant of \$3,781,375 by the Commonwealth Department of Health and Aging for capital funding of a Centre in Excellence in Aboriginal Primary Health Care and Training for Rural Western Australia. This grant will fund the renovation and expansion of GRAMS current facility to meet their growing number of clinical consultations and placements of CUCRH university health students.

The proponents are seeking support from the City for an expansion into the adjoining reserve 33813. Discussions have occurred with City officers and the WA Planning Commission and during these discussions it was determined that by amalgamating two existing drainage reserves, Reserve 33708 (Lot 2639) and Reserve 33709 (Lot 2646) back into the main Reserve 33813 there

would be no net loss of public open space (POS), in fact net POS will show a small gain.

It is proposed to augment the current GRAMS Reserve 41879 with the addition of 2581m² and by incorporating existing drainage reserves 33708 and 33709 into Reserve 33813 the net effect is an increase of 192m² of POS.

At the same time the various reserves on the site will be rationalised and the current un- gazetted portion of Howes Street can be resolved and correctly incorporated and gazetted as a road.

The GRAMS capital project is funding the town planning costs associated with the proposal and if successful will fund relocation of the existing reticulation water storage, path works and civil works associated with development of drainage reserve 33709 (Lot 2646) as a landscape improvement to the overall site. The landscape improvements will be implemented under the guidance of City officers.

COMMUNITY CONSULTATION:

There has been consultation between officers from the City and representatives from GRAMS, Department of Indigenous Affairs, WA Planning Commission and architects appointed by the proponents.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

Section 3.58(1) of the Local Government Act 1995 (as amended):

(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.

Section 3.58 (2) of the Local Government Act 1995 (as amended):

Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 gives exemption to dispositions of property to which *Section 3.58 of the Local Government Act 1995* (as amended) does not apply. In this regulation a disposition of land is an exempt disposition if:

- (b) *The land is disposed of to a body, whether incorporated or not*
 - i. *the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - ii. *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

Section 56 of the Land Administration Act 1997 addresses the dedication of public roads. Where land is acquired for use by the public as a road under the care, control and management of a local government, the local government

may request the Minister to dedicate that land as a road. Clause 56(4) of that Act provides that on the Minister granting a road dedication request, the local government is liable to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

The Department of Regional Development and Lands have previously advised that this indemnity is generally only for claims for compensation by the landowners.

Section 56 (1) (c) of the Local Administration Act 1997 (as amended) specifically allows a local government to request the Minister to dedicate "*land comprising a private road of which the public has had uninterrupted use for a period of not less than 10 years*". Howes Street has had uninterrupted use by the public for well in excess of 10 years.

The State Land Services division of the Department of Regional Development and Lands have advised that before a request can be made to the Minister for Lands to dedicate a private road in accordance with Section 56 of the Land Administration Act 1997 (as amended), the private road is first required to be acquired in accordance with Section 52 of the Land Administration Act 1997 (as amended). The closure of a private road is required in order for the land contained within the private road to be revested as unallocated crown land.

Once the land within the private road becomes unallocated crown land it can then be dedicated as a public road in accordance with Section 56 of the Land Administration Act 1997 (as amended) in order for it to be used as a public road.

It should be noted that the private road will not be physically closed; it is simply a procedural matter that is required to be followed in order to have the private road dedicated as a public road.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The GRAMS capital project is funding the town planning costs associated with the proposal and if successful will fund relocation of the existing reticulation water storage, path works and civil works associated with development of drainage reserve 33709 (Lot 2646) as a landscape improvement to the overall site.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 1: Opportunities for Lifestyle

Outcome 1.2: Infrastructure which provides a foundation for the community's needs.

Strategy 1.2.4 Provide accessible active and passive recreational spaces

Goal 4: Opportunities for Sustainability

Outcome 4.2 Improved transport and accessibility

Strategy 4.2.2 Improve our network of urban, rural and regional roads, cycleways, trails and paths

Regional Outcomes:

The future planning and the expansion of this facility are critical to position the City to cater for the rapidly expanding population in Geraldton and to facilitate the planning for a centre of excellence for aboriginal primary health care and training.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Regional outcomes are relevant. There are no other significant implications for the City or regional economy.

Social:

There are no social impacts with this proposal.

Environmental:

There are no environmental impacts with this proposal.

Cultural & Heritage:

This proposal has significant cultural and heritage issues and is seen as a strategic and “better use” development of this land that would cater for the increased need for aboriginal primary health care and training opportunities.

RELEVANT PRECEDENTS:

The City has current precedents of better land rationalisation of Crown reserves for designated purposes and supporting changes in purpose on Crown reserves for the betterment of the community.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 (as amended) and Section 52 of the Land Administration Act 1997 (as amended) RESOLVES to:

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

Option 3:

That Council by Simple Majority pursuant to Section 3.58 of the Local Government Act 1995 (as amended) and Section 52 of the Land Administration Act 1997 (as amended) RESOLVES to:

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

CONCLUSION:

This proposal to expand the GRAMS facility into the adjoining reserve is seen as a “better use” development of this land that would cater for the increased need for aboriginal primary health care and training opportunities.

The formal public dedication of Howes Street would legitimise what the land has long been used for and it would be remiss of Council not to pursue the dedication.

EXECUTIVE RECOMMENDATION:**PART A**

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

1. APPROVE the disposal of 2581m² of land from Reserve 33813 to be amalgamated into Reserve 41879 for the purposes of the Geraldton Regional Aboriginal Medical Service expansion;
2. MAKE the determination subject to:
 - a. Approval from the Minister for Lands and the Western Australian Planning Commission;
 - b. Any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
 - c. All survey works and costs being met by the proponent; and
 - d. The proponent fund relocation of the existing reticulation water storage, path works and civil works associated with development of drainage reserve 33709 (Lot 2646) as a landscape improvement to the overall site.

Cr Robert Hall declared a direct financial interest in Item CE038, Amalgamation of Reserves – Geraldton Regional Aboriginal Medical Service (Grams) And Combined Universities Centre for Rural Health (Cucrh) And The Proposed Dedication Of Howes Street As A Public Road, as his wife works for CURCH and left Chambers at 8.25pm

Cr Shane Van Styn declared an indirect financial interest in Item CE038, Amalgamation of Reserves – Geraldton Regional Aboriginal Medical Service (Grams) And Combined Universities Centre for Rural Health (CUCRH) And The Proposed Dedication of Howes Street as a Public Road, as he is an Accountant for Carnarvon AMS and left Chambers at 8.25pm

COUNCIL DECISION

PART A

MOVED CR RAMAGE, SECONDED CR ASHPLANT

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

- 1. APPROVE the disposal of 2581m² of land from Reserve 33813 to be amalgamated into Reserve 41879 for the purposes of the Geraldton Regional Aboriginal Medical Service expansion;**
- 2. MAKE the determination subject to:**
 - a. Approval from the Minister for Lands and the Western Australian Planning Commission;**
 - b. Any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;**
 - c. All survey works and costs being met by the proponent; and**
 - d. The proponent fund relocation of the existing reticulation water storage, path works and civil works associated with development of drainage reserve 33709 (Lot 2646) as a landscape improvement to the overall site.**

CARRIED 10/0

PART B

That Council by Simple Majority pursuant to the Land Administration Act 1997 (as amended) RESOLVES to:

- 1. INITIATE proceedings to formally dedicate Howes Street.;**
 - a. Should no objections be received during the advertising period then:**
 - i. REQUEST the Minister for Lands to acquire Howes Street in order for it to be dedicated as a public road as required by Section 52(1) (b) of the Land Administration Act 1997 (as amended):**
 - ii. REQUEST the Minister for Lands to dedicate the portion of land on Lot 3214 on Deposited Plan 36307 Howes Street as a public road pursuant to Section 56(1) (c) of the Land Administration Act 1997 (as amended) and;**

- iii. INDEMNIFY the Minister against any claim for compensation as required by Section 56(4) of the Land Administration Act 1997 (as amended).

COUNCIL DECISION**PART B****MOVED CR RAMAGE, SECONDED CR ASHPLANT**

That Council by Simple Majority pursuant to the Land Administration Act 1997 (as amended) RESOLVES to:

1. **INITIATE proceedings to formally dedicate Howes Street.;**
 - a. **Should no objections be received during the advertising period then:**
 - i. **Request the Minister for Lands to acquire Howes Street in order for it to be dedicated as a public road as required by Section 52(1) (b) of the Land Administration Act 1997 (as amended):**
 - ii. **Request the Minister for Lands to dedicate the portion of land on Lot 3214 on Deposited Plan 36307 Howes Street as a public road pursuant to Section 56(1) (c) of the Land Administration Act 1997 (as amended) and;**
 - iii. **Indemnify the Minister against any claim for compensation as required by Section 56(4) of the Land Administration Act 1997 (as amended).**

CARRIED 10/0

Crs Van Styn and Hall returned to Chambers at 8.28pm

Cr Bennett returned to Chambers at 8.28pm

CE039	AQUARENA MAINTENANCE & WORKS REQUIREMENTS AND 2012 WINTER CLOSURE PROPOSAL
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AGENDA REFERENCE:	D-12- 15846
AUTHOR:	B Davis
EXECUTIVE:	B Davis, Director of Commercial Enterprises
DATE OF REPORT:	4 April 2012
FILE REFERENCE:	PM/8/0031
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

This report provides Council with engineering assessment reports, cost estimates and proposed work programmes necessary to make safe and rectify a number of serious building, pool and plant degradation and fault matters at the Aquarena. The identified Urgent Works requirements are refurbishment and renewal works, of a capital nature, required to renew aged structures in the outdoor pool area, required to rectify the consequences of underspecified steel treatments when the indoor heated pool centre was constructed, and subsequent failures in intervening years to fund necessary preventative maintenance works.

On the basis of these assessments and cost estimates, the report then seeks Council endorsement of the proposed urgent works program during 2012-13, endorsement of a proposed 2012 winter closure period, and seeks Council approval to utilise available loan funds for a majority of the costs of the Urgent Works program, with any balance of funding required to be considered during the 2012-13 Budget process.

PROPONENT:

The Proponent is the City of Greater Geraldton.

BACKGROUND:

Through the 2010-11 and 2011-12 financial years, past Councils became aware of emerging problems associated with degradation of built assets and capital plant at the Aquarena Aquatic Centre owned and operated by the City. Several unscheduled and unbudgeted urgent capital expenditures have been required in the past two years, including replacement of water heating boiler systems, replacement of ultra-violet light water treatment systems, repair of the main plant room wall, and make-safe works related to outdoor buildings including the aged change rooms building.

Funding was also required in 2011 to acquire water filter medium, normally replaced on a 5-7 year cycle, when it was discovered that the filter material had not been replaced since the indoor centre was built. Aquarena staff undertook this work themselves, requiring jack hammers to remove some of the old filter medium material.

Because of the damp operating environment, the mineral content of local water and its corrosive effects on metal structures, and inadequate treatment of steel when the centre was built not much more than a decade ago, the primary structural frame of the indoor heated pool centre is showing signs of corrosion and degradation, with potential to adversely impact the working life of the structure. The same problem relates to the metal structure of the slide servicing the recreation pool.

A process commenced in 2011 to compile a technical assessment of all elements of the centre, as part of new asset management planning processes. In 2011 it was agreed by Council that planning should include a period of closure, during the 2012 winter, to enable urgent refurbishment and preventative maintenance works to be conducted.

That process has taken longer than hoped, largely due to inability to source appropriately qualified consultants competent to undertake the specialist assessments required, noting that the Aquarena includes a complex industrial installation, with major water treatment systems, with enclosed spaces, and use of dangerous materials, including chlorine gas. As well, identifying service providers capable of undertaking specialist plumbing, electrical and steel treatment work unexpectedly emerged as a problem, with firms either disinterested in undertaking such work, or simply too busy and unwilling to provide cost quotes.

With emerging public safety concerns associated with parts of the older outdoors pool area, in particular relating to structural defects emerging with the outdoor change rooms, creating risk of wall collapse, urgency was added to the project. That area is now closed by both internal and external safety barriers preventing public access to the change room area, and keeping patrons away from the potentially dangerous wall section.

Specialist consultants from Perth were sourced to undertake and complete the technical assessments and provide cost estimates as a high priority. That process has now been completed sufficiently to provide Council with a program of essential works required to make safe and rectify public risk problem areas, to refurbish/renew areas requiring urgent preventative maintenance works.

The areas of urgent work identified by engineering consultants revealed a scope of urgent works significantly worse than previously understood, reflecting the specialist skills applied and comprehensive scope of the technical assessment process.

The works are imperative, and warrant formal endorsement as an Urgent Works program. This report puts the program to Council for that purpose, and recommends an approach to funding, as addressed later under Financial and Budget Implications.

COMMUNITY CONSULTATION:

The Aquarena User Group has been consulted since mid-2011 and is in agreement with need to close the centre to undertake essential maintenance work, to sustain life of the centre. The User Group has consistently indicated preference for a closure period of no longer than two months. They also indicated preference for the centre not to be closed before end June 2012.

On that basis, a closure period from Monday 2 July and Friday 31 August 2012 is proposed. The works schedule is to be designed accordingly.

COUNCILLOR CONSULTATION:

This matter has been discussed at a number of forums with the previous Council, more recently with the current Council, and past Councillors have had a number of relevant related briefing notes on Aquarena maintenance issues. This report brings to Council the results of the engineering assessments that Councillors deemed necessary to properly inform Council on the state of the centre, the essential works requirements, and related cost estimates.

STATUTORY IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

There are no direct policy implications from the works proposals as such. However, the Aquarena degradation problem brings into sharp relief the legacy inherited by the City of Greater Geraldton from previous Councils, for policies and practices in place in past years, prior to important Local Government reforms associated with Assets Management and associated financial management practices. The Aquarena renewal works problem is symptomatic of the past absence of practices that forward-plan essential preventative maintenance and asset refurbishment/renewal works as part of forward works programming, as a key input to capital budgeting in forward estimates.

This problem was not unique to Mid West councils, and no criticism is implied of past councils, since they complied with accepted practice across councils at that time. Long standing practices in WA Local Government (despite the important reforms introduced nationally some years ago by the new AAS 27 and 29 Accounting Standards for the Public Sector) has been to avoid rating to recover asset depreciation costs. All other States began introducing asset management regimes and full depreciation accounting, and rating to cover depreciation expenses and create cash-backed asset renewal/replacement reserves, after the new Accounting Standards were introduced but, for reasons not entirely clear, Local Government in WA has lagged behind for some years. However, in WA today, councils are implementing new best-practice approaches to asset management, and to budgeting for assets renewal, as reflected in new requirements for long term planning by all councils in WA.

Following the amalgamation between Shire of Greenough and the City of Geraldton, the new Council began driving the implementation of contemporary Asset Management practices, to begin to redress this shortcoming. Larger City Councils in WA began this process earlier. Good progress was made during the 2009-10 through 2010-11 financial years, to put in place asset management information systems, and management plans for key infrastructure and other built capital assets. That work resulted in more comprehensive information in the five year forward capital estimates, and positioned the City to develop the 10 year programs required by more recent reforms mandated across Local Government. From 2009-10 the City of Geraldton-Greenough Council began implementing a process to close the gap between real City operating expenses, including capital assets depreciation, and rates revenue, including a provision for assets renewal funding in calculation of rates.

The Commissioners for the City of Greater Geraldton continued that process when determining the budget and striking the rate for 2011-12. The Commissioners also adopted the Financial Sustainability Policy designed amongst other fundamental financial management goals to continue the process of overcoming the unfunded assets renewal problem.

The Aquarena renewal/refurbishment issue now confronting Council is a stark example of past failure to have such a policy framework in place, supported by contemporary asset management policies and practices – and highlights the importance of the Financial Sustainability Policy to mitigate the risks of similar problems emerging from other classes of infrastructure and built capital assets.

FINANCIAL AND BUDGET IMPLICATIONS:

The attachments provide Council with a comprehensive assessment of the works required for the Aquarena, with cost estimates.

With provision for contingencies, the bare cost estimates exceed \$2.0 million.

There are no provisions for such works in the 2011-12 Budget, other than the additional sum of \$40,000 recently authorised by Council to make safe the outdoors change rooms.

Undertaking the program of works cannot be deferred. There are public health and general public risk exposures that must be addressed as soon as practicable. The program of works presented with this report must therefore be seen as a program of Urgent Works.

By deferring commencement of the Urgent Works program until after 1 July 2012, Council can determine the level of loan funds required, as part of the 2012-13 Budget process.

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

- Goal 1: Opportunities for Lifestyle
- Outcome 1.2: Infrastructure which provides a foundation for the community's needs.
- Strategy 1.2.4: Provide accessible active and passive recreational spaces

Regional Outcomes:

There are no whole-of-region outcomes associated with this proposal.

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

There are no direct economic impacts from this proposal.

Social:

There are no social impacts with this proposal, beyond ensuring the ongoing availability of the Aquarena facility for use by the Community, for hydro-therapy, teaching children to swim, fitness and wellness programs, competitive aquatic sports, and recreation.

Environmental:

There are potential environmental impacts associated with this proposal, related to the need to empty the pools within the indoor centre at Aquarena, and dispose of the water. It is undesirable that the water be returned directly to groundwater systems, until after a process of de-chlorinating the water. That process is understood, and Aquarena staff are competent to undertake the necessary process. Water Corporation advice has been sought, and their recommendations and approval processes will be followed.

Cultural & Heritage:

There are no cultural or heritage implications.

RELEVANT PRECEDENTS:

The City has past precedents associated with Urgent Works programmes.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this proposal.

VOTING REQUIREMENTS:

Absolute majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority RESOLVES to:

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

Option 3:

That Council by Simple Majority RESOLVES to:

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

CONCLUSION:

A program of Urgent Works associated with the Aquarena has been prepared, based on specialist engineering consultant reports and technical inspections, as attached to this report. Cost estimates have been provided.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 6.21 (4) of the Local Government Act 1995 RESOLVES to:

1. ENDORSE the program of Urgent Works for the Aquarena;
2. ENDORSE the proposed winter closure period from Monday 2 July through Friday 31 August 2012; and
3. APPROVE the inclusion of \$2M in the 2012/13 budget, with such funds to be sourced from the City's loan facility.

COUNCIL DECISION**MOVED CR RAMAGE, SECONDED CR ASHPLANT**

That Council by Absolute Majority pursuant to Section 6.21 (4) of the Local Government Act 1995 RESOLVES to:

1. ENDORSE the program of Urgent Works for the Aquarena;
2. ENDORSE the proposed winter closure period from Monday 2 July through Friday 31 August 2012; and
3. APPROVE the inclusion of \$2M in the 2012/13 budget, with such funds to be sourced from the City's loan facility.

CARRIED BY ABSOLUTE MAJORITY 13/0

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

AGENDA REFERENCE:	D-12-16115
AUTHOR:	A Brun, Chief Executive Officer
DISCLOSURE OF INTEREST:	No
FILE REFERENCE:	GO/6/0002
DATE OF REPORT:	10 April 2012

BACKGROUND:

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

ADMINISTRATIVE COMMENT:

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

<i>Reports of Corporate Services</i>	
CS062	List of Accounts Paid Under Delegation
CS063	Corporate Services - Monthly Financial Report March 2012
<i>Reports of Sustainable Communities</i>	
SCDD062	Delegated Determinations – Applications for Planning Approval
<i>Reports of Creative Communities</i>	
CC057	Australia Day 2012 Meeting Minutes
CC058	Geraldton Regional Art Gallery Meeting Minutes
CC059	Heritage Advisory Committee Meeting Minutes

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority RESOLVES to RECEIVE the appended reports attached to this agenda.

COUNCIL DECISION**MOVED CR VAN STYN, SECONDED CR HALL**

That Council by Simple Majority RESOLVES to RECEIVE the appended reports attached to this agenda.

CARRIED 13/0

16 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

Before Closing the Mayor asked Council to remember Mr B Maddren, a former Councillor of the Town of Geraldton from 1977 to 1985, who has sadly passed away. The City of Greater Geraldton conveys their deepest sympathy to Mr Maddren's family.

18 CLOSURE

There being no further business the Presiding Member closed the meeting closed at 8.30pm.

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>