



ORDINARY MEETING OF COUNCIL  
MINUTES

25 FEBRUARY 2020

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**CITY OF GREATER GERALDTON**

**HELD ON TUESDAY, 25 FEBRUARY 2020 AT 5.00PM  
CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

**DISCLAIMER:**

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Meeting Procedures Local 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 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5pm.

**2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

**3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Present:

Mayor S Van Styn

Cr D J Caudwell

Cr J Clune

Cr N Colliver

Cr J Critch

Cr P Fiorenza

Cr S Keemink

Cr K Parker

Cr V Tanti

Cr T Thomas

Officers:

R McKim, Chief Executive Officer

P Melling, Director of Development & Community Services

P Radalj, Director of Corporate and Commercial Services

C Lee, Director of Infrastructure Services

R Doughty, Chief Financial Officer  
S Moulds, PA to the Chief Executive Officer  
T Clayton, Acting Coordinator Communications  
T Cornish, Manager Libraries, Heritage and Gallery

Others:

Members of Public: 1  
Members of Press: 3

Apologies:

Cr S Elphick\*

*\*Noted as an apology until leave approved.*

Leave of Absence:

Cr S Douglas  
Cr R Hall  
Cr S Elphick\*

#### **4 DISCLOSURE OF INTERESTS**

Cr V Tanti declared an Impartiality Interest in Item DCS438 Heritage Advisory Committee as he is friends with three of the applicants.

Cr N Colliver declared an Impartiality Interest in Item DCS439 Geraldton Regional Art Management Committee Community Representative, as one of the representatives is a work colleague and remained in Chambers.

#### **5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

There are no questions from previous meetings.

#### **6 PUBLIC QUESTION TIME**

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

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

There are no questions from the public.

## 7 APPLICATIONS FOR LEAVE OF ABSENCE

### Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
Cr S Douglas	4 February 2020	27 February 2020	28/1/2020
Cr R Hall	7 February 2020	1 March 2020	26/11/2019
Cr S Douglas	17 March 2020	23 March 2020	28/1/2020

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

*If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes.*

### COUNCIL DECISION

#### MOVED CR COLLIVER, SECONDED CR KEEMINK

That Council by Simple Majority pursuant to Section 5.25 of the Local Government Act 1995 RESOLVES to:

1. APPROVE Leave of Absence for:
  - a. Cr S Elphick\* for the period 25 February 2020 to 25 February 2020;
  - b. Cr T Thomas for the period 6 April to 2020 10 April 2020;
  - c. Cr J Critch for the period 6 April to 2020 to 12 April 2020;
  - d. Cr J Critch for the period 25 April to 2020 to 29 April 2020;
  - e. Cr R Hall for the period 1 March 2020 to 10 March 2020;
  - f. Cr V Tanti for the period 17 March 2020 to 13 June 2020;
  - g. Cr T Thomas for the period 17 March 2020 to 17 March 2020; and
  - h. Cr K Parker for the period 11 March 2020 to 25 March 2020.

#### CARRIED 10/0

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

## 8 PETITIONS, DEPUTATIONS

Nil.

## 9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 January 2020, as previously circulated, be adopted as a true and correct record of proceedings.

**COUNCIL DECISION****MOVED CR CLUNE, SECONDED CR COLLIVER****RECOMMENDED** that the minutes of the Ordinary Meeting of Council held on 28 January 2020, as previously circulated, be adopted as a true and correct record of proceedings.**CARRIED 10/0***In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.*

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
29 January 2020	Spirit FM Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
29 January 2020	Jeffrey Seuntjens - Moresby Project	Mayor Shane Van Styn
29 January 2020	RAC Intellibus Interview with GWN7	Mayor Shane Van Styn
30 January 2020	Mid West Ports - the City's feedback on the proposed Mid West Port Masterplan	Mayor Shane Van Styn
30 January 2020	Mid West Climate Action Group	Mayor Shane Van Styn
31 January 2020	GRAG: Exhibition Opening Night - Still in my mind: Gurindji location, experience and visuality	Deputy Mayor Cr Tarleah Thomas
4-5 February 2020	RCA Board Meeting - Canberra	Mayor Shane Van Styn
4 February 2020	Regular meeting with Local Member - Mr Ian Blayney MLA, Member for Geraldton	Deputy Mayor Cr Tarleah Thomas
4 February 2020	Concept Forum	Deputy Mayor Cr Tarleah Thomas
5 February 2020	Hon Melissa Price MP, Federal Member for Durack, Drought Funding Eligibility, Canberra	Mayor Shane Van Styn
7 February 2020	Development WA – Update on projects	Deputy Mayor Cr Tarleah Thomas
7 February 2020	Master Builders Sundowner	Deputy Mayor Cr Tarleah Thomas
10 February 2020	ABC Radio Interview - Regional Airfares	Mayor Shane Van Styn
10 February 2020	Double Beach Caravan Park Update	Mayor Shane Van Styn
11 February 2020	Geraldton Dog Rescue - Building of Facility - Opening	Mayor Shane Van Styn
13 February 2020	Regional Capitals Alliance (RCAWA) Meeting	Mayor Shane Van Styn
16 February 2020	Radio Interview Radio Mama	Mayor Shane Van Styn
17 February 2020	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
17 February 2020	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
17 February 2020	Citizenship Ceremony	Mayor Shane Van Styn
17 February 2020	Update Prior to Services Workshop	Mayor Shane Van Styn
18 February 2020	Agenda Forum	Mayor Shane Van Styn
19 February 2020	Tourism Meeting with Deputy Prime Minister Hon Michael McCormack	Mayor Shane Van Styn
19 February 2020	Independent Review Committee for Services Workshop	Mayor Shane Van Styn
19 February 2020	Sunset Beach Traffic Calming Community Meeting	Mayor Shane Van Styn
20 February 2020	Community Voice Range and Level of Services Introductory Workshop	Mayor Shane Van Styn
21 February 2020	Interim Audit Entrance Meeting	Mayor Shane Van Styn
21 February 2020	ABC Interview – Cruise Ship Visits	Mayor Shane Van Styn
21 February 2020	Mayor - Infrastructure WA Mid West Stakeholders Engagement Forum: Geraldton	Mayor Shane Van Styn

24 February 2020	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
24 February 2020	Regional Aviation and Tourism Discussion	Mayor Shane Van Styn
25 February 2020	Geraldton Jobs and Growth Plan 2020-23 Launch	Mayor Shane Van Styn
25 February 2020	Geraldton Aviation: Key Issues and Solutions Workshop	Mayor Shane Van Styn
25 February 2020	Ordinary Meeting of Council	Mayor Shane Van Styn



**11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil.

## 12 REPORTS OF COMMITTEES AND OFFICERS

### 12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS437 PROPOSED LOCAL PLANNING SCHEME AMENDMENT – SERVICE COMMERCIAL REZONING, WONTHELLA
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<b>AGENDA REFERENCE:</b>	<b>D-20-014086</b>
<b>AUTHOR:</b>	<b>K Elder, Coordinator Strategic Planning</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>29 January 2020</b>
<b>FILE REFERENCE:</b>	<b>LP/14/0013</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Scheme Amendment Report</b>

#### **EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to initiate a Local Planning Scheme Amendment ('amendment') to rezone Lot 40 (No. 1) Houtman Street and Lot 41 (No. 103) North West Coastal Highway, Wonthella from 'Residential R30' to 'Service Commercial' and to determine that the rezoning is a 'standard' amendment.

#### **EXECUTIVE RECOMMENDATION:**

##### **Part A:**

That Council by Simple Majority pursuant to Part 5, Section 75 of the *Planning and Development Act 2005* RESOLVES to:

1. AMEND Local Planning Scheme No. 1 by rezoning part Lot 40 Houtman Street and Lot 41 North West Coastal Highway, Wonthella from 'Residential R30' to 'Service Commercial'.

##### **Part B:**

That Council by Simple Majority, pursuant to Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:

1. DETERMINE that the rezoning is a 'standard' amendment;
2. MAKE the determination on the following grounds:
  - a. The amendment relates to a zone or reserve that is consistent with objectives identified in the scheme for that zone or reserve;
  - b. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
  - c. The amendment has minimal impact on land in the scheme area that is not the subject of the amendment; and
  - d. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

**PROPONENT:**

The proponent is Landwest Planning Consultants on behalf of Peter and Larena Manuel.

**BACKGROUND:**

The subject land consists of 2 adjacent lots located on the western side of North West Coastal Highway, to the south of the intersection with Houtman Street.

Lot 40 (No. 1) Houtman Street and Lot 41 (No. 103) North West Coastal Highway, Wonthella are both currently zoned 'Residential R30' and contain existing residential dwellings.

Directly to the south of the subject land is Lot 42 (No. 101) North West Coastal Highway which is located on the corner of the intersection with Bayly Street. Lot 42 is currently zoned 'Service Commercial' and is vacant.

The intention for the amendment is to rezone Lots 40 and 41 to 'Service Commercial' in line with the zoning of Lot 42 in order to create a consistent zone fronting North West Coastal Highway between the intersections of Houtman and Bayly Street.

The lots directly abutting the subject land to the west are zoned 'Residential R30' and are used for residential purposes. Lots to the north, south and east are zoned 'Service Commercial' and contain a range of associated uses such as motor vehicle and machinery sales, service station, bulky goods showroom, and office.

The amendment will apply a 'Service Commercial' zoning to the subject land to allow for the potential future redevelopment the lots, either individually or in conjunction with other adjoining lots. Any future development would be subject to development approval and assessed in accordance with the provisions of Local Planning Scheme No. 1.

The proponent considers the amendment is appropriate for the following reasons:

- The amendment is consistent with the objectives and intent of the State and Local Planning framework.
- Any future development would be required to occur in accordance with the provisions of Local Planning Scheme No. 1 which will ensure the amenity of the adjoining residential uses is protected.
- Inclusion of the lots within the 'Service Commercial' zone is consistent with adjacent Lot 42 and the zoning to the north and south along the North West Coastal Highway.
- The lots offer the advantage of being located in an active service and trade precinct adjoining good transport links, with good access and exposure.

- The amendment will allow future development to be contemplated over multiple lots in the street block, making efficient use of available land and infrastructure.
- Development for service commercial uses will ultimately promote high quality, larger scaled development along a key transport route with better connected and integrated land uses.

The scheme amendment report is included as Attachment No. DCS437.

## **COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

### **Community:**

The amendment will facilitate the expansion of service commercial development along the North West Coastal Highway alignment, with any traffic and amenity impacts for surrounding residents assessed at the development stage.

### **Environment:**

As part of the amendment process, and prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the *Environmental Protection Act 1986*.

### **Economy:**

The amendment will facilitate the expansion of service commercial development along the North West Coastal Highway alignment.

### **Governance:**

There are no adverse governance impacts.

### *Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

## **RELEVANT PRECEDENTS:**

Council at its meeting held on 24 February 2009 - Item No. SC52, resolved to give final approval to Scheme Amendment No. 47 which proposed to introduce the 'Highway Commercial' zone into the then Town Planning Scheme No. 3 (TPS 3) and rezone an area of land on the western side of the North West Coastal Highway between Phelps Street and Critch Place to the 'Highway Commercial' zone. The Minister gave final endorsement of the amendment on 26 November 2009.

Council at its meeting held on 10 November 2009 – Item No. SC120, resolved to give final approval to Scheme Amendment No. 53 to TPS 3 which proposed to rezone Lots 274, 275 and 278 – 281 Fourth Street, Wonthella to the 'Highway Commercial' zone. The Minister gave final endorsement of the amendment on 11 March 2010.

Council at its meeting held on 22 February 2011 – Item No. SC206, resolved to give final approval to Scheme Amendment No. 58 to TPS 3 which proposed to rezone Lots 30 and 31 North West Coastal Highway and Lot 32 Wittenoom Street, Wonthella to the ‘Highway Commercial’ zone. The Minister gave final endorsement of the amendment on 29 June 2011.

Council at its meeting held on 28 February 2012 – Item No. SC028, resolved to give final approval to Scheme Amendment No. 65 to TPS 3 which proposed to rezone Lots 62, 63, 74, 82, 83 North Coastal Highway, Wonthella (between Duke and Houtman Streets) to the ‘Highway Commercial’ zone. The Minister gave final endorsement of the amendment on 11 April 2012.

Council at its meeting held on 16 December 2014 – Item No. SC194, resolved to give final approval to Scheme Amendment No. 72 to TPS 3 which proposed to rezone Lot 61 First Street and Lot 64 North West Coastal Highway to the ‘Highway Commercial’ zone. The Minister gave final endorsement of the amendment on 06 May 2015.

Council at its meeting held on 23 June 2015 – Item No. DRS217, resolved to give final approval to Local Planning Scheme No. 1. As part of the scheme review the ‘Highway Commercial’ zone was renamed the ‘Service Commercial’ zone and Lot 42 North West Coastal Highway was rezoned to the ‘Service Commercial’ zone. The Minister gave final endorsement to the new scheme on 30 November 2015.

Council at its meeting held on 26 June 2018 – Item No. DCS371, resolved to give final approval to Scheme Amendment No. 5 to Local Planning Scheme No. 1 which proposed to rezone Lot 60 First Street and portion of Lot 61 First Street and Lot 64 North West Coastal Highway to the ‘Service Commercial’ zone.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Should Council initiate the amendment it is required to be publicly advertised for a period of not less than 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

There has been no Councillor consultation however, at the conclusion of the public advertising period the matter must be presented back to Council which will include a schedule of submissions if any are received. A resolution must then be passed to either support the amendment (with or without modification) or not support the amendment.

**LEGISLATIVE/POLICY IMPLICATIONS:**

**Planning and Development Act 2005:**

Part 5, Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme.

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**Planning and Development (Local Planning Schemes) Regulations 2015:**  
Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the local government resolution must specify whether, in the opinion of the local government the amendment is a basic, standard or complex amendment.  
In essence a ‘basic’ amendment is one that corrects an administrative error in the scheme or rectifies a zoning anomaly.

A ‘standard’ amendment is one that is consistent with a local planning strategy, would have minimal impact on land in the area and does not result in any significant impacts on the land.

A ‘complex’ amendment is one that is not consistent with a local planning strategy and is of a scale that will have an impact that is significant relative to the development in the locality.

This amendment is considered to be a ‘standard’ amendment.

**City of Greater Geraldton Local Planning Scheme No. 1:**

The subject land is currently zoned ‘Residential R30’ under Local Planning Scheme No. 1 and the amendment proposes to rezone the subject land to ‘Service Commercial’.

The objectives of the ‘Service Commercial’ zone are to:

- a) *Accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.*
- b) *Provide for a range of wholesale sales, showrooms, trades and services, which by reason of their scale, character, operational or land requirements, are not appropriate for industrial or commercial zones.*
- c) *Ensure development achieves relatively high amenity standards based on the level of exposure of the site and proximity to residential areas.*

The amendment is considered to be consistent with these objectives, as the subject land has good vehicular access and can provide appropriate land for a mix of uses proposed within the ‘Service Commercial’ zone.

The provisions of the Scheme, along with the objectives of the ‘Service Commercial’ zone will ensure that any future development, or redevelopment proposed on the lots will achieve relatively high amenity standards based on exposure and proximity to residential areas.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.2 Planning and Policy</b>
Strategy 4.2.2	Responding to community aspirations by providing planning and zoning for future development.

**REGIONAL OUTCOMES:****Geraldton Region Plan 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 'Future industrial and service commercial' on the structure plan.

**Local Planning Strategy 2015:**

The Strategy represents the land use planning response to the City's strategic community vision based on an aspirational population of 100,000. The Strategy will guide long-term land use planning and provide the rationale for land use and development controls.

The subject lots are identified as 'Service Commercial' on the Geraldton Urban Area Strategy Plan. The Strategy states the following in relation to 'Service Commercial' areas:

*Service commercial areas capitalise on the movement economy, are predominately car-based and provide a transition between busy roads and industrial areas, adjoining residential and commercial areas. Service commercial areas are generally not appropriate within activity centres, being car based and therefore easily accessible from major traffic routes. Existing service commercial areas have developed adjacent to North West Coastal Highway. This form of development provides an important component of the Commercial Activity Centres Strategy accommodating a range of large format / bulky goods businesses.*

The amendment is consistent with the Local Planning Strategy given not only are they indicated within the service commercial expansion area, but the lots are located on prime transportation routes and will provide a transition area from the impacts of North West Coastal Highway to the established residential areas.

**Commercial Activities Centres Strategy:**

The purpose of this strategy is to provide a framework for the location and development of shopping and activity centres in the City of Greater Geraldton region. Under the strategy, the subject area is classified under the hierarchy as 'Highway Commercial'.

The Strategy identified the role of the 'highway commercial' zone as:

*The primary function of the Highway Commercial Area is for forms of retail (such as large showrooms or bulky goods displays) whose floor space requirements make them unsuited to locate in other areas of commercial development. Generally, office uses, or shopping uses of less than 300m<sup>2</sup> should not be supported in these areas. The number and smaller size of the existing land parcels along the North-West Coastal Highway may make this difficult to achieve, however preference will be given to larger forms of retail as the primary intent is to ensure that pedestrian-based shopping and uses are*

*located in a pedestrian friendly urban environment in the core of the activity centres.*

This amendment is consistent with the intent of this Strategy.

**RISK MANAGEMENT:**

There are no inherent risks to the City in initiating this amendment.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

It is considered that the proposed amendment is consistent with the local planning framework and direction for commercial activity in Greater Geraldton. The rezoning proposes to include Lot 40 Houtman Street and Lot 41 North West Coastal Highway, Wonthella within the 'Service Commercial' zone and results in a consistent 'Service Commercial' zoning for all lots fronting North West Coastal Highway, between Houtman and Bayly Street. The proposal results in a logical extension to the 'Service Commercial' zone and therefore the option to refuse is not supported.

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

**COUNCIL DECISION**

**MOVED CR THOMAS, SECONDED CR CLUNE**

**Part A:**

**That Council by Simple Majority pursuant to Part 5, Section 75 of the *Planning and Development Act 2005* RESOLVES to:**

1. **AMEND** Local Planning Scheme No. 1 by rezoning part Lot 40 Houtman Street and Lot 41 North West Coastal Highway, Wonthella from 'Residential R30' to 'Service Commercial'.

**Part B:**

**That Council by Simple Majority, pursuant to Part 5, Division 1, Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to:**

1. **DETERMINE** that the rezoning is a 'standard' amendment;
2. **MAKE** the determination on the following grounds:
  - a. The amendment relates to a zone or reserve that is consistent with objectives identified in the scheme for that zone or reserve;
  - b. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
  - c. The amendment has minimal impact on land in the scheme area that is not the subject of the amendment; and
  - d. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

**CARRIED 10/0**

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

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DCS438 HERITAGE ADVISORY COMMITTEE – COMMUNITY REPRESENTATION
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<b>AGENDA REFERENCE:</b>	<b>D-20-016050</b>
<b>AUTHOR:</b>	<b>T Cornish, Manager Libraries, Heritage and Gallery</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>7 February 2020</b>
<b>FILE REFERENCE:</b>	<b>GR/10/0028-02</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) x1 Confidential</b> <b>A. Criteria – Community Representatives, Heritage Advisory Committee, 2020-21.</b> <b>B. Confidential - Community Representative Evaluation Matrix - Summary of Responses</b>

**EXECUTIVE SUMMARY:**

This purpose of this report is to seek Council approval for the appointment of community representatives to the Heritage Advisory Committee. The purpose of the Committee is to provide advice to Council for the development and implementation of the City of Greater Geraldton Heritage Strategy, 2017-2022.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. ACKNOWLEDGE the recommendations of the Heritage Advisory Committee;
2. APPOINT community representatives on the Heritage Advisory Committee:
  - a. Ms Marilyn McLeod;
  - b. Mr Gary Warner; and
3. DETERMINE the appointments to apply until the expiration date of 17 October 2021 or as determined by Council.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

At the City of Greater Geraldton Ordinary Meeting of Council held on Tuesday 26 November 2019 – Item No. CEO058, the following was resolved in reference to the re-establishment of the Heritage Advisory Committee.

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

1. *RE-ESTABLISH the following listed internal Committees:*
  - a. *CEO Performance Review Committee;*

- b. City of Greater Geraldton Audit Committee;*
- c. Part a. Greenough Bushfire Advisory Committee;*
- d. Part b. Mullewa Bushfire Advisory Committee;*
- e. Greater Geraldton Crime Prevention Committee;*
- f. Greater Geraldton Community Grants Committee;*
- g. Geraldton Regional Art Management Committee;*
- h. Queen Elizabeth II Seniors and Community Centre Advisory Committee;*
- i. Greater Geraldton Roadwise Committee;*
- j. Heritage Advisory Committee; and*
- k. HMAS Sydney II Memorial Advisory Committee.*

The Heritage Advisory Committee is comprised of:

Five (5) Elected Members of Council -

Cr T. Thomas, Cr. J. Clune, Cr. N. Colliver, Cr. S. Elphick, Cr. V. Tanti

*External Members:*

Nominee from	Community Representative
Nominee from	Community Representative
Nominee from	Walkaway Station Museum Inc.
Nominee from	Community Group of Greenough Inc.
Nominee from	Geraldton Historical Society Inc.
City Heritage Advisor	(ex-officio)
Aboriginal Community Representative	(ex-officio)
Manager, Museum of Geraldton	(ex-officio)
National Trust WA Representative	(ex-officio)
City of Greater Geraldton staff as required	(ex-officio)

Expressions of interest from prospective community representatives on the Heritage Advisory Committee (HAC) were sought December 2019 - January 2020. An advertisement was placed in the Public Notice sections of the Midwest Times on Wednesday 11 December 2019 and the Geraldton Guardian on Friday 13 December 2019. Notices were placed on public noticeboards at the Geraldton Regional Library, Mullewa District Office and Civic Centre reception area and also on the City and Library websites, as well as being circulated via the Library newsletter.

Five nominations were received by the closing date of 17 January 2020.

Nominations along with an Evaluation Matrix, were circulated to Elected Members on Monday 20 January 2020. Each nominee was scored by each Elected Member from a potential 15 marks (5 marks allocated to each criterion). Responses were received from all members. Cr. Victor Tanti declared a Conflict of Interest.

Based on the combined scores, the recommendation was made to appoint Mr Gary Warner and Ms Marilyn McLeod as the two community representatives to the HAC. The Community Representative Evaluation Matrix and Nominations received are contained within the document included as confidential Attachment No. DCS438B.

**COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:****Community:**

The City has a strong sense of place and history and is proud to make heritage an important part of its broader mission to enhance and celebrate its diverse community. Community representation plays an important part in this process. Heritage is defined as “*something inherited from the past and valued enough today to leave for future generations*” (National Trust of Australia, WA 2007 *Sharing Our Stories*).

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

Ensuring that Council Advisory Committees have strong community representation and are comprised of individuals who are experienced and knowledgeable in heritage matters will support the role of Council in the good governance of the City of Greater Geraldton.

***Disclosure of Interest:***

No Officer involved in the preparation of this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

Since Council approved the formation of a Heritage Advisory Committee in May 2011, there has been community representation on the Committee.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Elected Members on the HAC have evaluated the expressions of interest received from community members, based on responses received in addressing the Selection Criteria:

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Community</b>	<b>1.1 Our Heritage and the Art</b>
Strategy 1.1.1	Recording, recognising and preserving our social, environmental and built heritage.
Strategy 1.1.2	Recognising and preserving Aboriginal heritage, history, traditions, languages and culture.
<b>Title: Governance</b>	<b>4.1 Community Engagement</b>
Strategy 4.1.1	Continuing to engage broadly and proactively with the community.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

Where community representatives are chosen based on their experience and knowledge, the guidance they provide to Council will be relevant and informed. Failure to appoint individuals without this background may result in poor decision making.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

*Cr V Tanti declared an Impartiality Interest in Item DCS438 Heritage Advisory Committee as he is friends with three of the applicants and remained in Chambers.*

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

**That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:**

- 1. ACKNOWLEDGE the recommendations of the Heritage Advisory Committee;**
- 2. APPOINT community representatives on the Heritage Advisory Committee:**
  - a. Ms Marilyn McLeod;**
  - b. Mr Gary Warner; and**
- 3. DETERMINE the appointments to apply until the expiration date of 17 October 2021 or as determined by Council.**

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

DCS439 GERALDTON REGIONAL ART MANAGEMENT COMMITTEE – COMMUNITY REPRESENTATION
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<b>AGENDA REFERENCE:</b>	<b>D-20-016049</b>
<b>AUTHOR:</b>	<b>T Cornish, Manager Libraries, Heritage and Gallery</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>7 February 2020</b>
<b>FILE REFERENCE:</b>	<b>RC/4/0043</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) 1 x Confidential</b>
	<b>A. Criteria – Community Representatives, Geraldton Regional Art Management Committee, 2020-21</b>
	<b>B. Confidential - Community Representative Evaluation Matrix - Summary of Responses</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval for the appointment of community representatives to the Geraldton Regional Art Management Committee. The purpose of the Committee is to provide advice to Council on the Geraldton Regional Art Gallery and City public art initiatives, aligning these with the community's desired cultural outcomes, as detailed in the Creative Community Plan (2013) and the Public Art Strategy (2016-2020).

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. ACKNOWLEDGE the recommendations of the Geraldton Regional Art Management Committee;
2. APPOINT community representatives on the Geraldton Regional Art Management Committee:
  - a. Ms Marianne Penberthy;
  - b. Ms Jaye Allan;
  - c. Ms Sari Jacobsen;
  - d. Mrs Susan Smith;
  - e. Mr Michael Reymond;
3. APPOINT the Aboriginal Community Group representative on the Geraldton Regional Art Management Committee:
  - a. Yamaji Art/Mara Arts Aboriginal Corporation; and
4. DETERMINE the appointments to apply until the expiration date of 17 October 2021 or as determined by Council.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

At the City of Greater Geraldton Ordinary Meeting of Council held on Tuesday 26 November 2019 – Item No. CEO058, the following was resolved in reference to the re-establishment of the Geraldton Regional Art Management Committee.

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

1. *RE-ESTABLISH the following listed internal Committees:*
  - a. *CEO Performance Review Committee;*
  - b. *City of Greater Geraldton Audit Committee;*
  - c. *Part a. Greenough Bushfire Advisory Committee;*
  - d. *Part b. Mullewa Bushfire Advisory Committee;*
  - e. *Greater Geraldton Crime Prevention Committee;*
  - f. *Greater Geraldton Community Grants Committee;*
  - g. *Geraldton Regional Art Management Committee;*
  - h. *Queen Elizabeth II Seniors and Community Centre Advisory Committee;*
  - i. *Greater Geraldton Roadwise Committee;*
  - j. *Heritage Advisory Committee; and*
  - k. *HMAS Sydney II Memorial Advisory Committee.*

The Geraldton Regional Art Management Committee is comprised of:

Four Elected Members of Council -

Cr T. Thomas, Cr J. Critch, Cr S. Elphick, Cr S. Douglas.

*External members:*

5 x Community Representatives

Aboriginal Community Group nominated representative

City of Greater Geraldton Staff as required (ex-officio).

Expressions of interest from prospective community representatives on the Geraldton Regional Art Management Committee (GRAMC) were sought December 2019 - January 2020. An advertisement was placed in the Public Notice sections of the Midwest Times on Wednesday 11 December 2019 and the Geraldton Guardian on Friday 13 December 2019. Notices were placed on public noticeboards at the Geraldton Regional Library, Mullewa District Office and Civic Centre reception area and also on the City and Art Gallery websites, as well as being circulated via the Gallery newsletter.

Seven nominations were received by the closing date of 17 January 2020.

Nominations along with an Evaluation Matrix, were circulated to Elected Members on Monday 20 January 2020. Each nominee was scored by each Elected Member from a potential 15 marks (5 marks allocated to each criterion). Responses were received from all members. Cr. Steve Douglas declared a Conflict of Interest.

Based on the combined scores, the recommendation was made to appoint the following community representatives on the GRAMC: Ms Marianne

Penberthy; Ms Jaye Allan; Ms Sari Jacobsen; Mrs Susan Smith, and Mr Michael Reymond. The recommendation was made to appoint Yamaji Art/Mara Arts Aboriginal Corporation as the Aboriginal Community Group representative on the GRAMC.

The Community Representative Evaluation Matrix and Nominations received are contained within the document attached as confidential Attachment No. DCS439B.

## **COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

### **Community:**

The Geraldton Regional Art Gallery (GRAG) is recognised as Western Australia's first regional A-Class arts facility, opened in 1984 in the former Town Hall. As a State Heritage listed venue, the GRAG is highly valued by the community and presents a diverse range of both touring and local exhibitions. Public art initiatives form an important part of the City's vibrancy and give the community a stronger sense of place and identity. Community representation is a vital part of ensuring that support is provided to Council which in turn assists in informed decision making.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

Ensuring that the GRAMC has strong community representation and is comprised of individuals who are experienced and knowledgeable in matters of art and culture will support the role of Council in the good governance of the City of Greater Geraldton.

### *Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

## **RELEVANT PRECEDENTS:**

Since Council resolved to establish the GRAMC in April 2017, there has been community representation on the Committee.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

Elected Members on the GRAMC have evaluated the expressions of interest received from community members, based on responses received to address the Selection Criteria.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

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**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Community</b>	<b>1.1 Our Heritage and the Art</b>
Strategy 1.1.2	Recognising and preserving Aboriginal heritage, history, traditions, languages and culture.
Strategy 1.1.3	Facilitating engagement in the arts in all its forms.
Strategy 1.1.4	Fostering and facilitating community and cultural events.
<b>Title: Economy</b>	<b>3.2 Lifestyle and Vibrancy</b>
Strategy 3.2.2	Promoting events and unique tourism experiences that aid in attracting visitors and investment.
Strategy 3.2.3	Revitalising the CBD through economic, social and cultural vibrancy.

**REGIONAL OUTCOMES:**

Public art and the provision of an A-Class Gallery enhances the City of Greater Geraldton's profile as a Regional Capital.

**RISK MANAGEMENT:**

Where community representatives are chosen based on their experience and knowledge, the guidance they provide to Council will be relevant and informed. Failure to appoint individuals without this background may result in poor decision making.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

*Cr N Colliver declared an Impartiality Interest in Item DCS439 Geraldton Regional Art Management Committee Community Representative, as one of the representatives is a work colleague and remained in Chambers.*

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

That Council by Absolute Majority pursuant to Section 5.10 of the Local Government Act 1995 RESOLVES to:

1. **ACKNOWLEDGE** the recommendations of the Geraldton Regional Art Management Committee;
2. **APPOINT** community representatives on the Geraldton Regional Art Management Committee:
  - a. Ms Marianne Penberthy;
  - b. Ms Jaye Allan;
  - c. Ms Sari Jacobsen;
  - d. Mrs Susan Smith;
  - e. Mr Michael Reymond;



3. **APPOINT** the Aboriginal Community Group representative on the Geraldton Regional Art Management Committee:
  - a. Yamaji Art/Mara Arts Aboriginal Corporation; and
4. **DETERMINE** the appointments to apply until the expiration date of 17 October 2021 or as determined by Council.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

## 12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES

CCS469 STATUTORY REVIEW OF LOCAL LAWS UNDER S.3.16 OF THE LOCAL GOVERNMENT ACT 1995
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<b>AGENDA REFERENCE:</b>	<b>D-19-113311</b>
<b>AUTHOR:</b>	<b>M Adam, Governance Coordinator</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>6 January 2020</b>
<b>FILE REFERENCE:</b>	<b>LE/5/0004</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>List of local laws to be included in s.3.16 review</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to commence review of its Local Laws as per Section 3.16 of the *Local Government Act 1995*. A review is to be undertaken every eight years.

A large number of local laws and old by-laws made by former local governments that now make up the City of Greater Geraldton may be repealed, and some current local laws amended to ensure the relevant provisions are continued.

In addition, to streamline future reviews it is recommended that all local laws administered by the City be included in the process.

### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 3.16 of the Local Government Act 1995 RESOLVES to:

1. GIVE local public notice stating that the City proposes to review the local laws listed in Attachment No. CCS469;
2. NOTE that a copy of the local laws may be inspected or obtained at the City's offices or from its website;
3. NOTE that submissions about the local laws may be made to the City before a day to be specified in the notice, being a day that is not less than six (6) weeks after the notice is given; and
4. NOTE that the results of the above advertising be presented to Council for consideration of any submissions received.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

The City has a number of local laws in place, a significant number of which relate to former local governments that now make up the City of Greater Geraldton.

Most are no longer required with their provisions dealt with in more recent versions of a local law, Act or Regulation. Others can be included in more current local laws, or require amendment due to changing circumstances and/or the passage of time. Others that are due for review in the immediate future have also been included as doing so now will save the City costs when the next review is due in eight years, resulting in one instead of several processes.

A brief description of each, and action required on face value is summarised below:

<b>Date Local Law Gazetted</b>	<b>Title of Local Law</b>	<b>Previous Local Government Authority</b>	<b>Comments</b>
24-05-1912	General By-laws (No.1 to 69) - standing orders, damage to roads, footpaths, dog registration, livestock, etc.	Mullewa	Repeal - dealt with by current - Activities in Thoroughfares and Public Places and Trading Local Law 2011
10-12-1915	Registration of Camels and Licensing of Camel-drivers	Mullewa	Repeal - dealt with by current - Activities in Thoroughfares and Public Places and Trading Local Law 2011
01-12-1916	By-Laws No.70 & 71 - livestock on road & townsite	Mullewa	Repeal - dealt with by current - Activities in Thoroughfares and Public Places and Trading Local Law 2011
14-02-1930	General By-laws No. 1-35	Geraldton	Repeal - dealt with by local planning scheme and other legislation
26-09-1930	General By-laws No. 19 - Storing of Inflammable and Volatile fluids	Geraldton	Repeal - dealt with by State legislation
24-12-1930	General By-laws No. 34 - Erection of Buildings	Geraldton	Repeal - dealt with by State legislation
14-08-1931	Poundage Fees, Sustenance and By-laws	Mullewa	Repeal - Fees now made via annual budget
22-04-1932	Poundage Fees, Sustenance Charges and By-laws	Mullewa	Repeal - Fees now made via annual budget
01-04-1932	General By-laws No. 12 - Hawkers and Stallkeepers	Geraldton	Repeal - dealt with in Part 6 current - Activities in Thoroughfares and Public Places and Trading Local Law 2011
09-09-1932	General By-laws No. 5 - Pounds and Poundage Fees	Geraldton	Repeal - fees now made via annual budget
07-06-1935	Roads Pipelines	Mullewa	Repeal - dealt with in s.2.13 - Activities in Thoroughfares and Public Places and Trading Local Law 2011

<b>Date Local Law Gazetted</b>	<b>Title of Local Law</b>	<b>Previous Local Government Authority</b>	<b>Comments</b>
08-04-1938	General By-laws - Horses & Dogs on beaches	Geraldton	Repeal - dogs dealt with under Dogs Local Law 2011, rest by clause 4.1 of Activities in Thoroughfares and Public Places and Trading Local Law 2011
08-09-1939	General By-laws - 16-39 - Verandahs, Awnings and Signs	Geraldton	Repeal - dealt with under State legislation, local planning scheme
04-10-1940	General By-laws – No. 28 - Hoardings, Advertising and Signs	Geraldton	Repeal - dealt with under State legislation, local planning scheme
05-01-1940	Town Planning Scheme	Geraldton	Repeal - dealt with under State legislation, local planning scheme
15-08-1947	Town Planning Scheme- Notice of Intention	Geraldton	Repeal - dealt with under State legislation, local planning scheme
24-03-1950	Caravan and Camps	Geraldton	Repeal - dealt with by State legislation
22-08-1952	Verandahs, awnings and balconies	Geraldton	Repeal - dealt with by State legislation and Activities in Thoroughfares and Public Places and Trading Local Law 2011
22-08-1952	Town Planning Scheme	Geraldton	Repeal - dealt with under State legislation, local planning scheme
05-09-1952	Town Planning Scheme	Geraldton	Repeal - dealt with under State legislation, local planning scheme
12-11-1954	Long Service Leave	Mullewa	Repeal - dealt with by Local Government (Long Service Leave) Regulations
27-11-1956	Petrol Pumps Erection and Use of	Geraldton	Repeal - dealt with by State legislation
22-02-1957	Street Noises and Nuisances	Geraldton	Repeal - dealt with by Animal Environment and Nuisance Local Law 2014 and Activities in Thoroughfares and Public Places and Trading Local Law 2011
12-12-1958	Petrol Pumps - Use and Erection of	Geraldton	Repeal - dealt with by State legislation
05-03-1958	Caravans and Camps	Geraldton	Repeal - dealt with by State legislation

<b>Date Local Law Gazetted</b>	<b>Title of Local Law</b>	<b>Previous Local Government Authority</b>	<b>Comments</b>
31-12-1958	Town Planning Scheme	Geraldton	Repeal - dealt with by State legislation and local planning scheme
06-01-1959	Permitting and Regulating the Planting of Lawns and Gardens in Streets	Geraldton	Repeal - dealt with by clauses 2.6 - 2.12 of Activities in Thoroughfares and Public Places and Trading Local Law 2011
28-02-1964	Zoning (Motel)	Geraldton	Repeal - dealt with by local planning scheme
24-04-1964	Public Bathing in the sea outside the district	Geraldton	Repeal - dealt with by clauses 29-35 of Local Government Property Local Law 2014
21-07-1964	Caravan Parks - Draft Model By-law No. 2	Geraldton	Repeal - dealt with by State legislation
19-01-1966	Vehicle Wrecking	Geraldton	Repeal - dealt with under local planning scheme, Part 3 of Local Government Act 1995, clauses 3.6-3.7 of Animal Environment and Nuisance Local Law 2014
17-08-1966	Caravan Parks	Geraldton	Repeal - dealt with by State legislation
28-11-1968	Holiday Cabins and Chalets - By-law No.18	Geraldton	Repeal - dealt with by local planning scheme
17-11-1969	Motels - Draft Model By-laws No.3	Mullewa	Repeal - dealt with by local planning scheme
24-02-1970	Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing - Draft Model By-law	Greenough	Repeal - dealt with by clause 12 of Local Government Property Local Law 2014
16-06-1970	Bathing - Draft Model By-law No.14	Geraldton	Repeal - dealt with by clause 12 of Local Government and Public Property Local Law 2014
01-05-1970	Petrol pumps - Draft Model No.10	Mullewa	Repeal - dealt with by State legislation
13-01-1971	Filling of Land within the Municipality of Geraldton	Geraldton	Repeal - dealt with by Planning and Development Act 2005, local planning scheme and Building Act
19-02-1971	Caravan Parks	Geraldton	Repeal - dealt with by State legislation

<b>Date Local Law Gazetted</b>	<b>Title of Local Law</b>	<b>Previous Local Government Authority</b>	<b>Comments</b>
22-07-1971	Street Verges, Parking of Commercial Vehicles on	Geraldton	Repeal - dealt with under Parking and Parking Facilities Local Law 2012
22-05-1972	Installation of Verge Bitumen Crossings	Geraldton	Repeal - dealt with under Local Government (Uniform Local Provisions) Regulations, R13-15
23-01-1973	Prevention of damage to streets - Draft Model No.15	Mullewa	Repeal - dealt with by Activities in Thoroughfares and Public Places and Trading Local Law 2011
23-01-1973	Vehicular Accessways to Residential Allotments	Greenough	Repeal - dealt with under Local Government (Uniform Local Provisions) Regulations, R13-15
16-03-1973	Mullewa Public Cemetery	Mullewa	Repeal - dealt with by Cemetery Local Law 2011
19-04-1973	Filling of Land within the Municipality of Greenough	Greenough	Repeal - dealt with by Planning and Development Act 2005, local planning scheme and Building Act
30-11-1973	Prohibition of Vehicles and Cattle on Reserves	Geraldton	Repeal - dealt with by Local Government and Public Property Local Law 2014, and Activities in Thoroughfares and Public Places and Trading Local Law 2011
15-03-1974	Geraldton Taxi-cars By-law 1970	Geraldton	Repeal - dealt with by Road Traffic Code and Parking and Parking Facilities Local Law 2012
15-03-1974	Signs, Hoardings and Billpostings	Mullewa	Repeal - dealt with by Signage Local Planning Policy made under local planning scheme (note construction permit still required under Building Act in some cases). Signs in roads and local government property dealt with by clauses 10(p) of Local Government and Public Property Local Law 2014, and Part 3 of Activities in Thoroughfares and Public Places and Trading Local Law 2011.

<b>Date Local Law Gazetted</b>	<b>Title of Local Law</b>	<b>Previous Local Government Authority</b>	<b>Comments</b>
20-12-1974	Filling of Land - Metric Conversion	Geraldton	Repeal
14-03-1975	Filling of Land - Metric Conversion	Geraldton	Repeal
30-05-1975	Bathing in the sea outside the District - Metric conversion	Geraldton	Repeal - dealt with by clause 12 of Local Government and Public Property Local Law 2014
30-05-1975	Vehicle Wrecking- Metric Conversion	Geraldton	Repeal
27-06-1975	Swimming pools - Metric conversion	Mullewa	Repeal
04-03-1977	Verge Bitumen Crossings Installation of - Metric Conversion	Geraldton	Repeal
04-08-1977	Swimming Pools - fees	Mullewa	Repeal - dealt with when setting the annual budget under Part 6 of Local Government Act 1995
10-04-1981	Prevention of damage to streets - Draft Model No.15	Greenough	Repeal - dealt with by Activities in Thoroughfares and Public Places and Trading Local Law 2011
10-04-1981	Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing	Greenough	Repeal - dealt with by clause 12 of Local Government and Public Property Local Law 2014
17-12-1982	Bathing Safety, Convenience, Decency and Comfort in Respect of	Greenough	Repeal - dealt with by clause 12 of Local Government and Public Property Local Law 2014
13-09-1985	Geraldton Airport	Greenough	Amend Local Government and Public Property Local Law 2014 to reflect provisions
22-09-1986	Street Verges Parking Commercial and Other Vehicles on	Geraldton	Repeal - dealt with by Parking and Parking Facilities Local Law 2012
22-03-1991	Fencing	Geraldton	Repeal - the City describes a 'sufficient fence' in a Planning Policy. While s.5 of the Dividing Fences Act provides that: "...a sufficient fence, in relation to a dividing fence or a boundary fence referred to in section 16, means —

Date Local Law Gazetted	Title of Local Law	Previous Local Government Authority	Comments
			(a) any fence prescribed by a local law as a sufficient fence for the part of the local government district in which the dividing fence or boundary fence is, or is to be, erected...." Making a local law is a discretionary power; and in addition the Planning Policy has the effect of law. A local law is not required.
17-05-1991	Airport - Geraldton	Greenough	Repeal and amend Local Government and Public Property Local Law 2014 to include provisions relating to Geraldton Airport
17-05-1991	Extractive Industries	Greenough	Repeal - deal with extractive industries under local planning scheme
30-06-1992	Pest Plants	Greenough	Repeal - dealt with by Pest Plants Local Law 2011
19-03-1993	Street Verge Gardens	Greenough	Repeal - dealt with by Activities in Thoroughfares and Public Places and Trading Local Law 2011
21-01-1994	Fencing	Mullewa	Repeal - see above comments about fencing.
06-06-2002	Signs, Hoardings and Bill posting	Greenough	Repeal - dealt with by Signage Local Planning Policy made under local planning scheme (note construction permit still required under Building Act in some cases). Signs in roads etc. and local government property dealt with by clauses 10(p) of Local Government and Public Property Local Law 2014, and Part 3 of Activities on Thoroughfares and Public Places and Trading Local Law 2011
16-06-2003	Local Laws relating to Fencing	Greenough	Repeal - see above comments about fencing



<b>Date Local Law Gazetted</b>	<b>Title of Local Law</b>	<b>Previous Local Government Authority</b>	<b>Comments</b>
07-07-2006	Responsible Cat Ownership Local Law 2006	Geraldton	This local law was adopted by reference to one made by the Town of Bassendean in 2006. Prescription of number of cats that may be kept without a permit is useful; making a new local law to ensure it clearly applies across the whole district including application to former Shire of Mullewa is recommended.
18-09-2008	Extractive Industries Local Law 2008	Geraldton - Greenough	Repeal - deal with extractive industries under local planning scheme
24-11-2008	Removal of Refuse, Rubbish and Disused Materials Local Law 2008	Geraldton - Greenough	Review - the provisions of this local law may be superseded by the provisions of clause 3.25 of the Local Government Act 1995 and in particular Schedule 3.1 of that Act

In addition, the City of Greater Geraldton Meeting Procedures Local Law 2011 is also due for review. A minor amendment to allow Council to receive online petitions has been raised on previous occasions; this and any other changes can be dealt with at the same time as any comments about the local laws listed above.

Finally, while the following local laws are not due for review until eight years after being gazetted (or since their last review) inclusion in this process is recommended:

- Parking and Parking Facilities Local Law 2012;
- Local Government and Public Property Local Law 2014;
- Animal Environment and Nuisance Local Law 2014;
- Health Local Law 2014;
- Dogs Local Law 2011;
- Pest Plants Local Law 2011;
- Bush Fire Brigades Local Law 2011;
- Cemetery Local Law 2011; and
- Activities in Thoroughfares and Public Places and Trading Local Law 2011.

The requirement for a review every eight years is a minimum; nothing prevents a local government from amending or updating its local laws more frequently if it sees fit.

The overall effect of this process once concluded will be to remove a significant number of unused local laws, update those that are effective, and as all local laws can then be reviewed as a bloc in 2028, costs associated with advertising, reports to Council, updating staff via workshops and the like will be significantly reduced.

## **COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

### **Community:**

Ensuring that the City's local laws are current and align with contemporary legislation will provide the community with clear and relevant legal provisions to support positive health, safety, welfare and social outcomes for the community.

### **Environment:**

The review of local laws will ensure that current and relevant information applies to environmental outcomes within the community.

### **Economy:**

There are no economic impacts.

### **Governance:**

Removal of outdated local laws and updating others to reflect other legislation will reduce future administrative and compliance costs to the City.

### *Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

## **RELEVANT PRECEDENTS:**

The City's Local Laws are reviewed from time to time as required by Legislation or due to changing requirements.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

The City must advertise local laws for public comment for a period of not less than six (6) weeks as reflected in the recommendation to Council. Any feedback from the public consultation process will be presented to Council; and in addition any changes to local laws must then be undertaken under s.3.12 of the Local Government Act to make a new, amendment or repeal local law.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 3.16 of the Local Government Act 1995 requires local governments to undertake a review of their local laws every eight years.

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

There are costs associated with advertising the review, and amending or making a repeal local law, if Council subsequently decides to do so. Costs are also associated with local law gazettal. Longer term costs to the City will be reduced by the removal of outdated legislation.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance and Leadership</b>
Strategy 4.5.3	Providing leadership for the community in sustainability issues and local government reform matters.

**REGIONAL OUTCOMES:**

There are no regional outcomes.

**RISK MANAGEMENT:**

The City must comply with the requirements of s.3.16 of the Act. Failure to do so will render it open to criticism for not complying with a statutory obligation.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternate options were considered by City Officers.

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

That Council by Simple Majority pursuant to Section 3.16 of the Local Government Act 1995 **RESOLVES** to:

1. **GIVE** local public notice stating that the City proposes to review the local laws listed in Attachment No. CCS469;
2. **NOTE** that a copy of the local laws may be inspected or obtained at the City's offices or from its website;
3. **NOTE** that submissions about the local laws may be made to the City before a day to be specified in the notice, being a day that is not less than six (6) weeks after the notice is given; and
4. **NOTE** that the results of the above advertising be presented to Council for consideration of any submissions received.

**CARRIED 10/0**

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

CCS470 CHRISHINE NOMINEES PTY LTD TRADING AS SHINE AVIATION SERVICES – HANGAR BUILDING 116 LEASE - GERALDTON AIRPORT
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<b>AGENDA REFERENCE:</b>	<b>D-20-013952</b>
<b>AUTHOR:</b>	<b>L Richards, Airport Coordinator</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>31 January 2020</b>
<b>FILE REFERENCE:</b>	<b>PM/6/0006-003</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to enter into a new lease agreement with Chrishine Nominees Pty Ltd trading as Shine Aviation Services for Geraldton Airport building known as Hangar 116, located at Geraldton Airport.

**EXECUTIVE RECOMMENDATION:**

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

1. ENTER into a new lease agreement with Shine Aviation Services for Geraldton Airport building known as Hangar 116, based on the previous market valuation conducted in 2017;
2. SET the conditions as follows;
  - a. Enter into a one (1) year lease agreement with an option of four further terms of two years (2 + 2 + 2 + 2) commencing 1 April 2020;
  - b. Set the commencement lease fee at \$33,408 (+GST) per annum;
  - c. Adjust the lease fee annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
3. MAKE the determination subject to advertising notice period of not less than 14 days inviting public submissions;
4. ADVISE the lessee they are responsible for separately paying;
  - a. All applicable rates, taxes and other utilities;
  - b. All other costs associated with the lease; and
5. REFER the matter back to Council for final consideration if any objecting submissions are received.

**PROponent:**

The proponent is Shine Aviation Services.

**BACKGROUND:**

Shine Aviation Services is a commercial general aviation business based at the Geraldton Airport servicing the mining and corporate markets, offering charter and regular fly-in fly-out (FIFO) services. Shine Aviation Services also conduct modest pilot training operations, scenic tours and a range of other services.

Shine Aviation Services currently lease the City owned hangar building known as Hangar 116. The lease has remained on the “Holding Over” clause pending discussion and negotiation of a new lease.

As part of the lease negotiation, over the past six months significant structural refurbishment was undertaken, the installation of a concrete floor and an electrical upgrade, with the project works being completed at the end of January 2020.

Hangar 116 has a total lease area 1044m<sup>2</sup> and after the project works Hangar 116 is now comparable to Hangar 110. The only difference being the leased areas, Hangar 116 is 1044m<sup>2</sup> and Hangar 110 is 1008m<sup>2</sup>.

Shine Aviation Services currently lease Hangar 110 and have indicated the following preferred lease tenure to align both Hangars 110 and 116 leases.

An initial one (1) year lease tenure with four further terms of two years (2 + 2 + 2 + 2). This tenure is also aligned with the General Aviation Terminal and Land lease previously resolved by Council at the meeting held 26 February 2019 – CCS399, Chrishine Nominees Pty Ltd trading as Shine Aviation Services – Terminal Building and Adjoining Ground Lease – Geraldton Airport.

Due to an overall rental rate inconsistency amongst many of the Geraldton Airport leases, some being originally initiated under the Shire of Greenough, Geraldton Airport engaged the services of a licenced valuer during August 2017 to provide a comprehensive market valuation report on all Geraldton Airport leases.

The use of this report to determine rental rates for all Geraldton Airport leases established a level playing field for all tenants. The valuation report determined the annual lease fee for Hangar 116 as \$33,408.00 plus GST. The square metre rate being consistent with Hangar 110.

The leased area for Hangar 116 is identified in the following map:



**COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:****Community:**

Income generated from the proposed disposal of land (lease) forms part and contributes to the City's general revenue base which is applied to providing whole of community services.

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

There are no adverse governance impacts.

*Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

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

Chrishine Nominees Pty Ltd trading as Shine Aviation Services currently holds the following leases at Geraldton Airport:

1. Hangar 110;
2. General aviation terminal and adjoining ground lease; and
3. Fuel farm compound ground lease.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Should Council grant approval to enter into a lease agreement with Shine Aviation Services, public submissions will be invited for a period of 14 days pursuant to Section 3.58 of the Local Government Act 1995.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

Section 3.58:

- (1) *In this section –*
  - “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
  - “property” includes the whole or any part of the interest of a local government in property, but does not include money.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
  - (a) *it gives local public notice of the proposed disposition –*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*

- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*  
*and*  
 (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (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.*

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

A current ground rental market valuation was conducted in accordance with Section 3.58(4)(c).

At the time of the ground rental market valuation, conducted August 2017, the lease fee for Hangar 116 (1044m<sup>2</sup>) was calculated at a rate of \$30 per square metre plus GST.

Since the valuation and the recent project works on Hangar 116 it is recommended the rate be the same square metre rate as Hangar 110. The rate determined for Hangar 110 by valuation was \$32 per square metre plus GST. At the time of the valuation the square metre rate for each of the hangars was assessed respectively on the quality of each building.

The lease fee is exclusive of applicable Local Government rates and taxes.

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

<b>Title: Environment</b>	<b>2.3 Built Environment</b>
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.
<b>Title: Economy</b>	<b>3.1 Growth</b>
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.

**REGIONAL OUTCOMES:**

The provision of FIFO operations and scenic tours in Geraldton contribute to related economic activity in the services and tourism sectors.

**RISK MANAGEMENT:**

There are no identified risk management issues with this report.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No other options were considered by City Officers.

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

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

1. **ENTER** into a new lease agreement with Shine Aviation Services for Geraldton Airport building known as Hangar 116, based on the previous market valuation conducted in 2017;
2. **SET** the conditions as follows;
  - a. Enter into a one (1) year lease agreement with an option of four further terms of two years (2 + 2 + 2 + 2) commencing 1 April 2020;
  - b. Set the commencement lease fee at \$33,408 (+GST) per annum;
  - c. Adjust the lease fee annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
3. **MAKE** the determination subject to advertising notice period of not less than 14 days inviting public submissions;
4. **ADVISE** the lessee they are responsible for separately paying;
  - a. All applicable rates, taxes and other utilities;
  - b. All other costs associated with the lease; and
5. **REFER** the matter back to Council for final consideration if any objecting submissions are received.

**CARRIED 10/0**

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



**CCS472 MID YEAR BUDGET REVIEW 2019-20**

<b>AGENDA REFERENCE:</b>	<b>D-20-015461</b>
<b>AUTHOR:</b>	<b>R Doughty, Chief Financial Officer</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>4 February 2020</b>
<b>FILE REFERENCE:</b>	<b>FM/7/0001</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Mid-Year Review Statements</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval of the 2019-20 Mid-Year Review budget figures.

The mid-year review figures (effectively presenting a proposed revised budget) incorporate all budget amendments (current budget) already authorised by Council post budget adoption, up to the period of the budget review. Councillors should note the amendments to the budget adopted by absolute majority of Council at its meeting of 27 August 2019 – CCS438, Budget Amendments 2019-20.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Part 6, Division 4 and Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the proposed budget amendments as detailed by nature and type in Attachment No. CCS472 - Mid-Year Review Statements and AUTHORISE any unauthorised expenditure contained within the proposed amendments; and
2. APPROVE and AUTHORISE the following revised transfers to/from Cash Reserves as detailed in Attachment No. CCS472 - Mid-Year Review Statements.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The following provides a summary of the significant movements from the current budget after completion of the Mid-Year Review.

**Statement of Financial Activity** (refer Attachment No. CCS472 - Mid-Year Review Statements)

Note: Per Statement of Financial Activity attachment, the movement between nature & type, income and expenditure items, is represented by both the change in budget from the original and current budgets to the proposed mid-year revised budget.

For statutory purposes, the commentary below summarises the major movements between the original budget approved by Council 25 June 2019, and the proposed mid-year revised budget.

For terminology purposes a “positive movement” means any change that increases the City’s cash position and decreases are represented by “negative movement”.

#### **Operating Income:**

Total operating income forecast for this financial year has decreased by \$231,128 in relation to the original budget adopted by Council 25 June 2019. The movements as per type include:

<b>Type of Income</b>	<b>Increase (Positive Movement)</b>	<b>Decrease (Negative Movement)</b>
Rates		(\$156,849)
Operating Grants & Subsidies	\$202,237	
Contributions, Reimbursements & Donations	\$83,369	
Fees & Charges		(\$617,005)
Interest Earnings	\$268,000	
Other		(\$10,880)
<b>Net Movement</b>		<b>(\$231,128)</b>

#### **Operating Expenditure:**

Total operating expenditure forecast for this financial year has decreased by \$326,235. The movements as per type include:

<b>Type of Expenditure</b>	<b>Increase (Negative Movement)</b>	<b>Decrease (Positive Movement)</b>
Materials & Contractors		\$58,899
Utility & Government Charges	(\$23,000)	
Insurances	(\$777)	
Other Expenses		\$179,840
Contributions Donations & Grants		\$111,273
<b>Net Movement</b>		<b>\$326,235</b>

**Capital Revenue (Includes Reserves):**

The budget allocation associated with this revenue stream has been increased by \$10,225,041.

Type of Revenue	Increase (Positive Movement)	Decrease (Negative Movement)
Capital Grants	\$3,027,632	
Transfers from Reserves	\$7,197,409	
<b>Net Movement</b>	<b>\$10,225,041</b>	

**Capital Grants** (material movements)

Increases:

- *\$1,270,000 budget amendment for the Cathedral and Sanford Street intersection upgrade approved by Council at the September meeting.*
- *\$322,800 DFES fire truck provided to the City.*
- *\$1,068,559 final payment for Beresford Foreshore Enhancement Project.*
- *\$100,000 for the Rural Water Grant of which the City would contribute \$75,000.*
- *\$309,000 received but not budgeted for the Airport Body Scanner.*

**Transfers from Reserves** (material movements)

Increases:

- *Additional \$7,122,423 of transfers from cash reserves related to carryover expenditure from 2018-19 approved by Council at the August meeting.*
- *Add \$1,722,786 of transfers from Unexpended Capital Works & Restricted Grants to fund carryover projects completed during the financial year.*
- *Add \$1,022,200 of transfers from Asset Renewal Reserve to fund projects completed during the financial year.*

**Capital Expenditure:**

The overall increase to capital expenditure of \$10,709,978 (excluding debt principal repayments), is impacted by the following movements in asset categories:

Type of Capital Expend	Increase (Negative Movement)	Decrease (Positive Movement)
Land	(\$1,961,641)	
Buildings	(\$1,660,341)	
Plant & Equipment	(\$407,319)	
Furniture & Equipment	(\$240,195)	
Roads	(\$1,937,347)	
Parks	(\$382,648)	
Airports	(\$1,295,291)	
Meru	(\$1,881,782)	
Other Infrastructure (footpaths, drainage)	(\$943,414)	
<b>Net Movement</b>	<b>(\$10,709,978)</b>	

**Capital Expenditure:**

## Increases:

- \$6,008,336 approved for new capital carryover at the August Council meeting.
- \$914,087 approved for renewal carryovers approved at the August Council meeting.
- \$1,270,000 for Cathedral/Sanford Roundabout approved at the September Council meeting.
- \$471,000 accounting entry to recognise the DFES provided replacement fire truck.
- \$450,000 for the Mullewa housing rebuild (funded from Reserve transfer).
- \$332,000 accounting entry to recognise Lot 9843 Chapman Road as a non-current asset instead of land held for resale.

**COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:****Community:**

There are no adverse community impacts.

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

Carrying out the Mid-Year Review analysis allows the City to assess what has been achieved year to date and to highlight the current financial position and set the scene leading into the next year's Budget and the Long Term Financial Plan.

*Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

A Mid-Year Budget Review is a mandatory regulatory requirement.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Councillor's presented with an overview of the Mid-Year Review movements and impacts at Concept Forum 4 February 2020.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

Local Government (Financial Management Regulations) 1996 regulation 33A requires that Council between 1 January and 31 March in each financial year, carry out a review of its annual budget for that year.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

As per Statement of Comprehensive Income, there has been a minor increase in the operating surplus (which excludes asset disposals) from \$85,400 to \$180,507 in the mid-year review (MYR). The most significant proposed adjustment is to fees & charges income which is a result of drops in Airport and Meru revenue. Undertaking this budget adjustment at the MYR minimises the financial risk in not achieving a budget surplus position at year end.

The City's end of year unrestricted cash position (see Cash Flow Statement) is expected to increase from the original budget forecast of \$9,905,804 to revised forecast of \$12,358,446. Major factors impacting cash flow position are:

- Increase in cash due to the City receiving \$1.1m for the final payment for the Beresford Foreshore Enhancement project.
- Actual unrestricted cash position at the beginning of the financial year was greater than the budgeted forecast position - \$9,467,741 compared to \$8,154,002 an improved actual position of \$1,313,739.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.4 Financial Sustainability and Performance</b>
Strategy 4.4.1	Preparing and implementing short to long term financial plans.

<b>Title: Governance</b>	<b>4.5 Good Governance and Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

Associated risk would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

Alternative options for adjustments to budget forecasts were considered by Directors and Managers, within every function area. Proposed increase adjustments to particular expenditures were offset to the extent practicable by reducing expenditure allocations within the same function area of the budget.

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

That Council by Absolute Majority pursuant to Part 6, Division 4 and Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. **APPROVE** the proposed budget amendments as detailed by nature and type in Attachment No. CCS472 - Mid-Year Review Statements and **AUTHORISE** any unauthorised expenditure contained within the proposed amendments; and
2. **APPROVE** and **AUTHORISE** the following revised transfers to/from Cash Reserves as detailed in Attachment No. CCS472 - Mid-Year Review Statements.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

Time: 5:10 PM

Not Voted: 3

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>NOT PRESENT</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Fiorenza</b>	<b>YES</b>
<b>Cr. Elphick</b>	<b>NOT PRESENT</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>

<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>

**CCS473 STATEMENT OF FINANCIAL ACTIVITY TO 31 JANUARY 2020**

<b>AGENDA REFERENCE:</b>	<b>D-20-015471</b>
<b>AUTHOR:</b>	<b>R Doughty, Chief Financial Officer</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>6 February 2020</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0001</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Monthly Management Report for period ended 31 January 2020</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 January 2020.

The statements in this report include no matters of variance considered to be of concern for the current budgeted end of year position.

**EXECUTIVE RECOMMENDATION:**

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

1. RECEIVE the monthly financial statements of activity dated 31 January 2020, as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The financial position at the end of January 2020 is detailed in the attached report and summarised as follows, are the variances between Year-to-Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$	101,997	0.15%	under YTD Budget	<input checked="" type="checkbox"/>
Operating Expenditure	\$	489,273	0.90%	under YTD Budget	<input checked="" type="checkbox"/>
Net Operating	\$	387,276	2.5%	over YTD Surplus	<input checked="" type="checkbox"/>
Capital Expenditure	\$	595,696	2.7%	over YTD Budget	<input checked="" type="checkbox"/>
Capital Revenue	\$	1,475,967	202.24%	over YTD Budget	<input checked="" type="checkbox"/>
Cash at Bank – Municipal	\$	22,436,716			
Cash at Bank – Reserve	\$	22,046,122			
Total Funds Invested	\$	44,010,720			
Net Rates Collected		86.02%			
Net Rates Collected in January 2019		86.21%			



The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the budget. The financial position represented in the January financials shows a YTD positive variance of \$387,273 in the net operating surplus result (this takes into account commitments).

## **COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

### **Community:**

There are no adverse community impacts.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

The Financial Management Regulations require presentation each month of a Statement of Financial Activity accompanied by other supporting information that is considered relevant. In addition to the compliance requirements, the purpose of regularly reporting on the financial activities of the City is to enable Elected Members to monitor and review the allocation of financial and other resources against the budget. Reporting on a regular basis evidences ongoing financial management and the performance of the accounting systems. The monthly report provides a summary of the organisation's liquidity and going concern status.

#### *Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

## **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

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

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

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

## **INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.4 Financial Sustainability and Performance</b>
Strategy 4.4.1	Preparing and implementing short to long term financial plans.

Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.
<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There are no alternative options to consider.

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

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

1. **RECEIVE** the monthly financial statements of activity dated 31 January 2020, as attached.

**CARRIED 10/0**

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

**12.3 REPORTS OF INFRASTRUCTURE SERVICES**

Nil.

**12.4 REPORTS OF OFFICE THE CEO**

Nil.

**12.5 REPORTS TO BE RECEIVED****RR13 REPORTS TO BE RECEIVED - FEBRUARY**

<b>AGENDA REFERENCE:</b>	<b>D-20-018058</b>
<b>AUTHOR:</b>	<b>R McKim, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>R McKim, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>14 February 2020</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-06</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3) x1 Confidential</b>
	<b>A. Delegated Determinations and Subdivision Applications for Planning Approval</b>
	<b>B. 2019-20 Corporate Business Plan - Quarter Two Report</b>
	<b>C. Confidential Report - List of Accounts Paid Under Delegation January 2020</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to receive the Reports of the City of Greater Geraldton.

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Development and Community Services:
    - i. DCSDD155 - Delegated Determinations and Subdivision Applications for Planning Approval; and
  - b. Reports – Corporate and Commercial Services:
    - i. CCS474 - 2019-20 Corporate Business Plan - Quarter Two Report.

**PART B**

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

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS475 – Confidential Report – List of Accounts Paid Under Delegation January 2020.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

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

**COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:****Community:**

There are no adverse community impacts.

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

There are no adverse governance impacts.

*Disclosure of Interest:*

No Officer involved in the preparation of this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

Reports to be received by Council at each Ordinary Meeting of Council.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers.

**COUNCIL DECISION**

**MOVED CR THOMAS, SECONDED CR COLLIVER**

**PART A**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Development and Community Services:**
    - i. DCSD155 - Delegated Determinations and Subdivision Applications for Planning Approval; and**
  - b. Reports – Corporate and Commercial Services:**
    - i. CCS474 - 2019-20 Corporate Business Plan - Quarter Two Report.**

**PART B**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Corporate and Commercial Services:**
    - i. CCS475 – Confidential Report – List of Accounts Paid Under Delegation January 2020.**

**CARRIED 10/0**

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

**13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING****PROCEDURAL MOTION****MOVED MAYOR, SECONDED CR COLLIVER**

That Council by Simple Majority pursuant to Section 4.6 of Meeting Procedures Local Law 2011, **RESOLVES** to **CONSIDER** Item CCS476 Attendance at Council Meetings by Telephone, to be taken as urgent business.

**CARRIED 10/0**

Time: 5:14 PM

Not Voted: 3

No Votes: 0

Yes Votes: 10

<b>Name</b>	<b>Vote</b>
<b>Cr. Douglas</b>	<b>NOT PRESENT</b>
<b>Cr. Parker</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Colliver</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Fiorenza</b>	<b>YES</b>
<b>Cr. Elphick</b>	<b>NOT PRESENT</b>
<b>Cr. Hall</b>	<b>NOT PRESENT</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Mayor Van Styn</b>	<b>YES</b>



**CCS476 ATTENDANCE AT COUNCIL MEETINGS BY TELEPHONE**

<b>AGENDA REFERENCE:</b>	<b>D-20-022843</b>
<b>AUTHOR:</b>	<b>P Bennett, PA to Director Corporate and Commercial Services</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>24 February 2020</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-06</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval for Councillor Tanti to attend the Ordinary Meeting of Council, during the months of March, April and May 2020, via telephone or video link from Canning Vale WA 6155.

**EXECUTIVE RECOMMENDATION:**

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

1. APPROVE Canning Vale WA 6155, as a suitable place for the purpose of Regulation 14A; and
2. APPROVE the arrangement under which Councillor Tanti is to be taken to be present at the meetings on 24 March 2020, 28 April 2020 and 26 May 2020, by being simultaneously in audio contact, by telephone or video link, with each other person present at the meeting.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

There has been a request from Councillor Tanti to attend the Ordinary Meeting of Council, during the period 17 March 2020 to 13 June 2020, via telephone/video link. Councillor Tanti will be at Canning Vale WA 6155, attending a training course.

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

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

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

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

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

(4) *In this regulation —*

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

**suitable place** —

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

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

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

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

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

## **COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**

### **Community:**

There are no adverse community impacts.

### **Environment:**

There are no adverse environmental impacts.

### **Economy:**

There are no adverse economic impacts.

### **Governance:**

If a council member requests to attend an Ordinary Meeting of Council via telephone attendance the request must be approved by the Council in accordance with the provisions of regulation 14(A) *Local Government (Administration) Regulations 1996*.

### **Disclosure of Interest:**

No Officer involved in the preparation of this report has a declarable interest in this matter.

## **RELEVANT PRECEDENTS:**

Council have previously approved attendance at its meeting by telephone/link, most recently:

- Cr Critch, South Perth, 26 November 2019, CCS452
- Cr Freer, Como, 28 May 2019, CCS423
- Cr Douglas, North Perth, 27 February 2018, CCS316

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.1	Strengthening the governance role of Councillors by informing, resourcing, skilling and supporting their role.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

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

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

There were no alternative options considered by City officers.

**COUNCIL DECISION****MOVED CR COLLIVER, SECONDED CR KEEMINK**

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

1. **APPROVE** Canning Vale WA 6155, as a suitable place for the purpose of Regulation 14A; and
2. **APPROVE** the arrangement under which Councillor Tanti is to be taken to be present at the meetings on 24 March 2020, 28 April 2020 and 26 May 2020, by being simultaneously in audio contact, by telephone or video link, with each other person present at the meeting.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

## 16 MEETING CLOSED TO PUBLIC

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting *may* need to be closed to the public, *if* confidential discussion is required.

*Noting that this item was previously listed as confidential, no discussion behind closed doors was required, therefore it is now available for the public record.*

CCS471 POSSESSION OF LAND FOR UNPAID RATES & CHARGES IN EXCESS OF 3 YEARS
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<b>AGENDA REFERENCE:</b>	<b>D-20-010689</b>
<b>AUTHOR:</b>	<b>S Russell, Rates Coordinator</b>
<b>EXECUTIVE:</b>	<b>P Radalj, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>28 January 2020</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0002-006</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1) Confidential Confidential - Aerial Map</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to take possession and sell Lot 34 (46) Crawford Street, Spalding.

### EXECUTIVE RECOMMENDATION:

#### PART A

That Council by Simple Majority pursuant to Sections 6.64, 6.68 and 6.71 of the Local Government Act 1995 RESOLVES to:

1. AUTHORISE to take possession of the property Lot 34 (46) Crawford Street, Spalding for unpaid rates and charges in excess of three (3) years and to sell the land pursuant to section 6.64(1) of the Local Government Act 1995;
2. AUTHORISE to take possession of the land without the initiation of a process for debt recovery for money due on the land under section 6.68(2)(b), due to the owner of the property being deceased and no living relatives with an interest in the property; and
3. APPROVE to transfer the land to the City if a contract of sale is not entered into at the expiration of 12 months under section 6.71(1).

#### PART B

That Council by Absolute Majority pursuant to section 6.12 of the Local Government Act 1995 RESOLVES to:

1. APPROVE to write-off rates and charges (including penalty interest) for Lot 34 (46) Crawford Street, Spalding under section 6.12(1)(c) of the Local Government Act 1995 if the property is transferred to the City.

### PROPONENT:

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Between 2013 and 2016 the City worked with the owner to establish a regular payment arrangement to reduce the accruing rates arrears. The owner contacted the City and explained financial hardship, ill health and age was affecting the ability to pay the rates and charges. Several payment arrangements were attempted but ended in default. When no arrangement could be established the City in 2017 attempted legal action to recover the outstanding rates and charges however, these attempts were unsuccessful.

On 18 October 2017 the City's Environmental Health Officers issued under the Health Act 1911, an unfit for human habitation notice and demolition notice to the property. The residence was not fit for human occupation due to the state of the property and as no action was taken to remediate the site by the owner the matter was heard in the Geraldton Magistrates court on 24 August 2018. The accused did not attend Court but was convicted in her absence with fines imposed.

The City was advised the owner passed away on the 27 June 2018 and after seeking legal advice the City undertook the demolition of the property on the 27 February 2019 under the powers of section 40 of the Health Act 1911. The Public Trustee notified the City on 19 August 2019 they had renounced executorship of the estate of the deceased owner and no further correspondence should be forwarded to their office.

The City Rates Department made contact with the deceased owner's granddaughter who advised there were no family members interested in taking on the property and requested the City go ahead in taking possession of the property under the Local Government Act for non-payment of rates.

**COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:****Community:**

There are no adverse community impacts.

**Environment:**

There are no adverse environmental impacts.

**Economy:**

There are no adverse economic impacts.

**Governance:**

Given the current property market in Geraldton if charges were to keep accruing against this property the likelihood is the debt would surpass what the City could recoup from the land sale.

***Disclosure of Interest:***

No Officer involved in the preparation of this report has a declarable interest in this matter.

**RELEVANT PRECEDENTS:**

Council has previously resolved to take possession of property which has been abandoned with more than 3 years of unpaid rates and charges and either sold the properties, or if the sale was unsuccessful, transferred to itself.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.64(1) of the Local Government Act 1995 states:-

*If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*

- (a) from time to time lease the land; or*
- (b) sell the land; or*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

Section 6.68(2) of the Local Government Act 1995 states:-

*A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*

- (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
- (b) having made reasonable efforts to locate the owner of the property is unable to do so.*

Section 6.71(1) of the Local Government Act 1995 states:-

*If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —*

- (a) the Crown in right of the State; or*
- (b) the local government.*

Section 6.12(1) of the Local Government Act 1995 states:-

*Subject to subsection (2) and any other written law, a local government may —*

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money,*  
*which is owed to the local government.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The outstanding rates and charges are \$17,500 and interest is accruing daily. Sale of the property is expected to cover these charges.

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**INTEGRATED PLANNING LINKS:**

<b>Title: Governance</b>	<b>4.5 Good Governance &amp; Leadership</b>
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

If legislated process is not followed, a person may claim that there has been an unauthorised, or improper, or irregular use of power and a remedy is open to them for damages against the local government.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

No alternative options were considered by City Officers due to the owner being deceased and no relatives with an interest in claiming the property.

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

That Council by Simple Majority pursuant to Sections 6.64, 6.68 and 6.71 of the Local Government Act 1995 **RESOLVES** to:

1. **AUTHORISE** to take possession of the property Lot 34 (46) Crawford Street, Spalding for unpaid rates and charges in excess of three (3) years and to sell the land pursuant to section 6.64(1) of the Local Government Act 1995;
2. **AUTHORISE** to take possession of the land without the initiation of a process for debt recovery for money due on the land under section 6.68(2)(b), due to the owner of the property being deceased and no living relatives with an interest in the property; and
3. **APPROVE** to transfer the land to the City if a contract of sale is not entered into at the expiration of 12 months under section 6.71(1).

**PART B**

That Council by Absolute Majority pursuant to section 6.12 of the Local Government Act 1995 **RESOLVES** to:

1. **APPROVE** to write-off rates and charges (including penalty interest) for Lot 34 (46) Crawford Street, Spalding under section 6.12(1)(c) of the Local Government Act 1995 if the property is transferred to the City.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

**17 CLOSURE**

There being no further business the Presiding Member closed the meeting at 5.14pm



## **APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED**

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