



ORDINARY MEETING OF COUNCIL  
MINUTES

25 NOVEMBER 2014

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 25 NOVEMBER 2014 AT 5.30PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**M I N U T E S**

**DISCLAIMER:**

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

**1. ACKNOWLEDGEMENT OF COUNTRY**

The Deputy Mayor acknowledged the traditional owners of the land on which we meet, paid respect to the Elders and to the knowledge embedded forever within the Aboriginal Custodianship of Country.

**2. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5.34pm.

**3. ATTENDANCE**

Present:

Cr D Brick  
Cr D J Caudwell  
Cr J Clune  
Cr J Critch  
Cr R deTrafford  
Cr P Fiorenza  
Cr L Graham  
Cr R D Hall  
Cr S Keemink  
Cr N McIlwaine  
Cr T Thomas  
Cr S Van Styn

Officers:

K Diehm, Chief Executive Officer  
P Melling, Director of Sustainable Communities  
A Selvey, Director of Creative Communities  
N Arbuthnot, Director of Community Infrastructure

P Radalj, Manager Finance and Treasury, Strategic Business Planning Services  
S Moulds, PA to the Chief Executive Officer  
L Taylor, Executive Support Secretary  
K Seidl, Manager Community Law & Safety  
M McGinity, Manager Corporate Communications  
P Kingdon, Corporate Communications Project Officer  
T Cornish, Coordinator Heritage Services  
N Beer, Crime Prevention and Parking Team Leader

Others:

Members of Public: 3  
Members of Press: 1

Apologies:

Cr D Caudwell  
B Davis, Director of Corporate and Commercial Enterprises

Leave of Absence:

Mayor Ian Carpenter  
Cr S Douglas  
Cr V Tanti

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

Nil.

**5. PUBLIC QUESTION TIME**

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

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

*Public Question Time Commenced at 5.35pm.*

**Max Correy – 52 Bayview Street, Geraldton WA 6530**

Question

Firebreak Provisions - I draw attention to Council of 3 separate residential properties within the City Council.

A) Kononen Way – not compliant height – grass 10cm against regulation of 7.5cm allowable. Infringement Notice issued, fine paid under treat of having drivers licence cancelled.

B) Council owned or controlled lot in Eastern Road

Picture - 1- A was 2013/14, Picture 2,3,4 – Current state of property – note ice coffee container is 15cm in height and grass is at least twice that i.e 4 times allowance height. I Note also dead bushes on boundary of adjacent property.

C) Lot 219 Branch Highway – opposite Puma Service Station (was Gull).  
1 and 2 – 2013/14 photos  
3 and 4 – current state of property

Why is there not consistency between property owners?

Are the officers in charge of the fire officers(s) in charge of the firebreak provision incompetent and should their employment be terminated?

Response

- a) In relation to Kononen Way, an inspection found the property non-compliant and a fine was issued. Fire Control Officers do take compliance history of a site into consideration when issuing either work orders/ infringements, it is noted that a work order for the same property was issued in 2011.
- b) The City did undertake mitigation works on the Eastern Road property this financial year. Thank you for identifying the dead tree/vegetation on verge matter and this is to be removed.
- c) Lot 219 Brand Hwy – The City has liaised with the owner of this property over a number of years to undertake additional mitigation measures on the land beyond the minimum 3 metre wide fire break compliance requirement. These mitigation works as indicated at the Council meeting have been substantial and are a positive reflection on the City's approach to achieve outcomes that go beyond minimum compliance. The City recognises the land owner for their cooperation to achieve these additional mitigation outcomes. (A copy of the aerial photos tabled at the meeting which demonstrated the amount of work undertaken, are attached for your reference).

Question

Has the Verita Road project bridge tender been awarded? i.e. over the railway line and airport road? If so was the tender awarded to the lowest conforming tenderer?

Response

A Contract has not been awarded for the construction of the bridge. The Council has delegated authority to the CEO to award the contract to the preferred tenderer subject to further negotiations regarding risk mitigation.

The Council is not obligated to award tenders to the lowest confirming tenderer. In this case all tenderers were advised that their tender would be assessed according to the following criteria:

- Relevant experience;
- Key personnel;
- Tenderer's resources;
- Demonstrated understanding; and
- Pricing.

An evaluation panel comprising senior staff from Main Roads, Brookfield Rail, Public Transport Authority, GHD Project Design Consultants and the City assessed the tenders and their recommendation of the preferred tenderer was unanimous.

Contract negotiations are currently proceeding with the preferred tenderer in accordance with the Council decision from the meeting held on 28 October 2014.

**Nathan Stewart - Rowe Group – Level 3, 369 Newcastle Street Northbridge WA 6003**

Question

Does Council have any questions of the Applicant in relation to Item SC187 – Final Adoption of Town Planning Scheme Amendment – Local Centre Rezoning, Mahomets Flats?

Response

The Councillors had no questions for Mr Stewart.

**Mr Sean Hickey, PO Box 2966, Geraldton WA 6531**

Question

Why are some private property land owners allowed to use public open space for their own personnel benefit when others are not?

Response

Council at its meeting on 23 November 2010 considered the encroachment issue in the Glendinning Rd/ Eastcott Way area when it adopted the Point Moore to Tarcoola Beach Foreshore Master Plan with amendments. The supporting notation to the item was as follows:

*“REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: Council was of the view that they did not want to prioritise budget allocation to that particular pathway. Further, Council did not want to disturb the structures and works that were on public land at this time. Council stressed that the land is public land and accessible by public as public open space.”*

It should however be noted that when City officers become aware of new/ additional encroachments in the area notices have been issued requiring reinstatement / rehabilitation of the reserve area concerned.

*Public Question Time Concluded at 5.51pm.*

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

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>
Mayor I Carpenter	29 October 2014	26 November 2014
Cr S Douglas	23 November 2014	27 November 2014
Cr V Tanti	24 November 2014	28 November 2014
Cr J Critch	9 December 2014	9 December 2014

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

Cr T Thomas request for leave of absence for the period 9 December 2014 to 9 December 2014 be approved.

Cr D Brick request for leave of absence for the period 5 December 2014 to 7 December 2014 be approved.

Cr J Critch request for leave of absence for the period 12 December 2014 to 10 January 2015 be approved.

Cr P Fiorenza request for leave of absence for the period 18 January 2015 to 25 January 2015 be approved.

Cr T Thomas request for leave of absence for the period 3 February 2015 to 22 February 2015 be approved.

Mayor I Carpenter for leave of absence for the period of 26 November 2014 to 24 December 2014 be approved.

**CARRIED 11/0****5:52:33 PM**

Mayor Carpenter	N/V
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	YES
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	N/V
Cr. Keemink	YES
Cr. Tanti	N/V
Cr. deTrafford	YES
Cr. Clune	YES

**7. PETITIONS, DEPUTATIONS OR PRESENTATIONS**

Nil.

**8. DECLARATIONS OF CONFLICTS OF INTEREST**

Director Sustainable Communities - Phil Melling declared an Impartiality Interest in Item CC186 Transportation of Rolling Stock to Walkaway, as he is a member of the organisation where the Rolling Stock is being obtained from.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 October 2014, as previously circulated, be adopted as a true and correct record of proceedings.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 October 2014, as previously circulated, be adopted as a true and correct record of proceedings.

**CARRIED 11/0****5:53:34 PM**

Mayor Carpenter	N/V
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	YES
Cr. Fiorenza	YES



<b>Cr. Thomas</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>N/V</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>N/V</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>N/V</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>

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

DATE	FUNCTION	REPRESENTATIVE
29 October 2014	WA Regional Capitals Alliance Meeting with Hon. Kim Hames	Mayor Ian Carpenter
29 October 2014	WA Regional Capitals Alliance Meeting with Hon. Jim Chown	Mayor Ian Carpenter
29 October 2014	Citizenship Ceremony	Deputy Mayor Neil McIlwaine
30 October 2014	Better Beginnings Parenting Session – Geraldton Regional Library	Cr Bob Hall
31 October 2014	Midwest Development Commission Board Meeting	Mayor Ian Carpenter
8 November 2014	Bands Spectacular	Cr Bob Hall
9 November 2014	Opening of Seniors Week	Cr Bob Hall
10 November 2014	Mayor's Mystery Bus Tour	Cr Bob Hall
11 November 2014	Remembrance Day	Cr Bob Hall
12 November 2014	Midwest Regional Blueprint Meeting	Cr Bob Hall
12 November 2014	Australia Post Community Leader Breakfast	Cr Bob Hall
14 November 2014	Futures Leadership Graduation	Mayor Ian Carpenter
17 November 2014	City of Greater Geraldton Food Safety Awards	Cr Jerry Clune
18 November 2014	Agenda Forum	Deputy Mayor Neil McIlwaine
19 November 2014	HMAS Sydney II Commemoration	Deputy Mayor Neil McIlwaine
20 November 2014	Presentation to Youth Participants for the Youth Engagement Mural Project	Deputy Mayor Neil McIlwaine
20 November 2014	Bert Beevers Retirement Dinner	Deputy Mayor Neil McIlwaine
22 November 2014	Opening of the Geraldton Volunteer Fire & Rescue Station	Deputy Mayor Neil McIlwaine
25 November 2014	Ordinary Meeting of Council	Deputy Mayor Neil McIlwaine

## 11. REPORTS OF COMMUNITY INFRASTRUCTURE

CI080	EXTENSION TO SURVEILLANCE MANAGEMENT SERVICES CONTRACTS & RFT 74 1213 CONSTRUCTION MANAGEMENT SERVICES		
<b>AGENDA REFERENCE:</b>	<b>D-14-75416</b>		
<b>AUTHOR:</b>	<b>N Arbuthnot,</b>	<b>Director</b>	<b>Community Infrastructure</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot,</b>	<b>Director</b>	<b>Community Infrastructure</b>
<b>DATE OF REPORT:</b>	<b>9 November 2014</b>		
<b>FILE REFERENCE:</b>	<b>PM/4/0067</b>		
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>		
<b>ATTACHMENTS:</b>	<b>No</b>		

### EXECUTIVE SUMMARY:

This report seeks Council approval to extend the contracts awarded to Pact Management Services for Construction Management Services and GR & KY Blanch Family Trust Trading as Tama Plant Hire on an as required basis to complete the Karloo / Wandina Infrastructure Head Works Project.

### EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to Section 3.57 of the Local Government Act RESOLVES to:

1. EXTEND the contracts of Pact Management Services and GR & KY Blanch Family Trust Trading as Tama Plant Hire to the 30 June 2015 or the completion of the Karloo / Wandina Infrastructure Head Works Project on an as required basis at the discretion of the Chief Executive Officer in accordance with the terms and conditions of the existing contracts.

### PROponent:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

Contracts were let for both services in 2013 under delegation of the Chief Executive Officer for the construction of the Karloo / Wandina Infrastructure Head Works Project with capacity to undertake alternative works at the direction of the City. Both contractors were appointed along with other specialist contract services to undertake the extensive capital works program commencing late 2012 early 2013. The only contracts that are current are the contracts in the subject of this report with all other contracts terminated at or prior to the expiry dates. A competitive public process for both contracts was followed and which resulted in the appointments based on value for money, experience and skills required to undertake the allocated tasks.

The above contracts are now reaching their termination dates under delegated authority and require a Council decision to extend. Both

contractors have demonstrated the skills and experience to the City's entire satisfaction and those demonstrated skills and experience will be required for managing the balance of the project. The extension of engagement has developed primarily as a result of the delays experienced with letting of the contract and construction of the bridge over the Geraldton Southern Transport Corridor.

All costs associated with the contracts have been capitalised (made a direct charge to the project(s) and do not impact the operating budget)

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

### **Economic:**

There are no economic impacts.

### **Social:**

There are no social impacts.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

## **RELEVANT PRECEDENTS:**

There are no relevant precedents.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community consultation. Councillors were made aware of the general circumstances at the Concept Forum held on the 3 November 2014.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

The extension of the contracts will increase the management costs for the project.

## **INTEGRATED PLANNING LINKS:**

Title: Economy	Transportation
Strategy 4.2.1	Developing more efficient transport options that are secure and safe to sustain our lifestyle

## **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

The City as the Principal for the Karloo / Wandina Infrastructure Head Works Project faces a number of challenges in completing the project. The City requires a stable, experienced and skilled team which includes internal and external personnel familiar with the project and the City requirements to ensure risks are mitigated which is particularly relevant to the bridge construction risks to the City and potential consequential loss will be significantly elevated in not approving the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED**

The alternative option would be to readvertise for the contracts with the risk of not attracting suitably skilled and experienced personnel and further delays to the project. There would be no advantage gained in reduced costs and there would be a loss of continuity in the knowledge built up in the project.

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

**That Council by Simple Majority pursuant to Section 3.57 of the Local Government Act RESOLVES to:**

- 1. EXTEND the contracts of Pact Management Services and GR & KY Blanch Family Trust Trading as Tama Plant Hire to the 30June 2015 or the completion of the Karloo / Wandina Infrastructure Head Works Project on an as required basis at the discretion of the Chief Executive Officer in accordance with the terms and conditions of the existing contracts**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

## 12. REPORTS OF CORPORATE & COMMERCIAL SERVICES

### CCS087 STATEMENT OF FINANCIAL ACTIVITY 31 OCTOBER 2014

<b>AGENDA REFERENCE:</b>	<b>D-14-72176</b>
<b>AUTHOR:</b>	<b>T Machukera, Management Accountant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>7 November 2014</b>
<b>FILE REFERENCE:</b>	<b>FM/17/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

#### EXECUTIVE SUMMARY:

The attached financial reports provide a comprehensive report on the City's finances to 31 October 2014. The statements include no matters of variance considered to be of concern.

#### EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the October 2014 monthly financial activity statements as attached.

#### PROPONENT:

The proponent is the City of Greater Geraldton.

#### BACKGROUND:

The financial position to the end of October 2014 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

Operating Income	\$203,207	0.4%	Positive Variance
Operating Expenditure	\$1,279,463	5.1%	Positive Variance
Net Operating	\$1,482,670		
Capital Expenditure	\$2,901,787	17.5%	Positive Variance
Capital Revenue	\$205,920	9.1%	Positive Variance
Cash at Bank - Municipal	\$20,081,831		
Cash at Bank – Reserve	\$16,256,002		
Total Funds Invested	\$34,256,002		
Net Rates Collected	76.08%		
Receivables Outstanding	\$1,903,463		

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 adopted budget.

The financial position represented in the October financials shows a positive variance of \$1,482,670 in the net operating result.

The closing funding surplus is due to year to date Capital expenditure being less than YTD budget, as a result of timing of works for buildings, roads, plant & equipment

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

### **Economic:**

There are no economic impacts.

### **Social:**

There are no social impacts.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

## **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

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

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

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

## **INTEGRATED PLANNING LINKS:**

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

## **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

## **RISK MANAGEMENT**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options to consider.

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

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

- 1. RECEIVE the October 2014 monthly financial activity statements as attached.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*



CCS088 ADOPTION CITY OF GREATER GERALDTON REVISED BUDGETS 2012-13, 2013-14, 2014-15
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<b>AGENDA REFERENCE:</b>	<b>D-14- 72551</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Treasury &amp; Finance</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>31 October 2014</b>
<b>FILE REFERENCE:</b>	<b>FM/6/0020</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (X3)</b>

**EXECUTIVE SUMMARY:**

The State Administrative Tribunal (SAT) by decisions delivered on 5<sup>th</sup> September 2014 and 15<sup>th</sup> October 2014 determined that the basis on which the differential general rates for Un-occupiable City Centre Zone properties were imposed by the City of Greater Geraldton is invalid. Accordingly, SAT quashed the rates imposed by the City of Greater Geraldton upon land rated on gross rental value (GRV) within the City of Greater Geraldton for the 2012-13 and 2013-14 financial years, and subsequently for the 2014-15 financial year, under s 6.82(3) of the Local Government Act 1995.

Following the SAT decision the City of Greater Geraldton is required under section 6.32(3)(b) of the Act to reimpose rates (excluding the Un-occupiable City Centre Zone rate) for each of the three financial years. Reimposition involves no change to the Rates in the Dollar for any of the other differential general rates as originally imposed by the budgets for each of the three financial years.

**EXECUTIVE RECOMMENDATION;**

That Council by Absolute Majority pursuant to Section 6.3 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the revised budgets for the financial years 2012-13, 2013-14 and 2014-15 as attached to this report;
2. NOTE that the revised annual budgets for each of the three financial years exclude the GRV Un-occupiable City Centre Zone differential general rates, modify the original annual budgets only to the extent necessary to give effect to that exclusion and consequent application of the GRV Non-Residential differential general rate to the properties in question, with budget schedules modified accordingly to reflect the revenue reduction effects per clause 4 of this resolution;
3. NOTE that the budgets for the three years are otherwise in the same form and manner as the annual budgets originally adopted at the Council Meetings held on:
  - a. 09 July 2012 (Budget 2012/2013 recorded as item 9 and included as Attachment TF 010 to the minutes of that meeting);
  - b. 02 July 2013 (Budget 2013/2014 recorded as item 9 and included as Attachment TF 069 to the minutes of that meeting);

- c. 01 July 2014 (Budget 2014/2015 recorded as item 8 and included as Attachment CCS058 to the minutes of that meeting);
4. REDUCE the amount to be yielded by the general rate as follows:
  - a. 2012-2013 reduction of general rate revenue by \$ 65,160 which reduces the total estimated yield from general rates to \$36,944,535;
  - b. 2013-2014 reduction of general rate revenue by \$ 78,015 which reduces the total estimated yield from general rates to \$37,769,413;
  - c. 2014-2015 reduction of general rate revenue by \$ 88,774 which reduces the total estimated yield from general rates to \$39,464,848;
5. NOTE that in respect of each of the three financial years, the total estimated yield from general rates remains within the statutory limits (within the range 90%-110% of the 'budget deficiency') as prescribed by section 6.34 of the Act; and
6. IMPOSE the differential general rates and minimum payments in accordance with section 6.32(3)(b) of the Local Government Act 1995 for each of the three financial years as set out in the following tables:
  - a. Differential General Rates:

Differential General Rate	Rate in the Dollar (Cents)		
	2014-15	2013-14	2012-13
GRV Geraldton Residential	10.9371	-	-
GRV Vacant Residential	-	18.1151	17.6647
GRV Residential	-	10.4835	10.2228
GRV Non Residential	10.9385	10.5594	10.2968
UV Geraldton Rural, Mining & Farming	0.6794	0.6552	-
UV Agricultural General	-	-	0.6389
GRV Ex-Mullewa Shire District	10.9795	11.0172	-
GRV Mullewa Townsite	-	-	10.7432
GRV Pindar Townsite	-	-	13.8362
UV Mullewa Agriculture	0.7800	0.8100	0.8974
UV Mining	-	-	22.7136

## b. Minimum Payments:

Minimum Payments	2014-15	2013-14	2012-13
Geraldton Residential	\$1010	-	-
Vacant Residential	-	\$769	\$955
Residential	-	\$979	\$955
Non Residential	\$1010	\$979	\$955
Geraldton UV Rural, Mining & Farming	\$1010	\$979	-
Agricultural General	-	-	\$955
Mullewa GRV	\$628	\$628	-
GRV Mullewa Townsite	-	-	\$384
GRV Pindar Townsite	-	-	\$104
Mullewa UV Agriculture	\$705	\$683	\$288
UV Mining	-	-	\$345

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Minister for Local Government challenged the basis for imposition of the GRV Un-occupiable City Centre Zone differential general rate imposed by the City on the 2012-13 and 2013-14 financial years. The Minister also challenged similar differential rates imposed by the City of Fremantle.

In simple terms, the basis of the challenge to this differential general rate was that it was inconsistent with the provisions of section 6.33(1) of the Local Government Act 1995 which provides the legal basis for imposition of differential general rates, defining the characteristics able to be used for differentiation between properties.

Section 6.33(1) empowers Councils to differentiate based on any or any combination of characteristics including:

- (a) purpose for which land is zoned, or
- (b) purpose for which land is held or used (as determined by the local government), or
- (c) whether or not land is vacant land.

The City relied on sub-section 6.33(1)(b) in relation to its Un-occupiable City Centre Zone differential rate.

SAT supported the Minister's challenge against that differential general rate for 2012-13 and 2013-14 rates, and consequently the Minister advised intent to challenge the Un-occupiable City Centre Zone rate imposed for 2014-15, if the City did not request SAT to quash it. Once a Council has imposed a Rate under the Act, the Council itself cannot quash the imposed rate. It can only be quashed by SAT.

The City consulted the Department, with officer level agreement reached that it would be most sensible to deal first with the 14/15 rate via SAT, before bringing anything to Council on the prior two year rates, enabling the whole three years adjustments to be dealt with via a single submission to Council.

The City applied to SAT to quash the rate for 2014-15 on the precedent of the SAT determination for 2012-13 and 2013-14, and SAT was able to deal with that matter quickly.

The required budget modifications change the following schedules of the budgets for each of the three financial years in question:

- a) Statement of Comprehensive Income by Nature and Type
- b) Statement of Comprehensive by Program
- c) Statement of Cash Flows
- d) Rate Setting Statement
- e) Note 7 Net Current Assets
- f) Note 8 Rating Information
- g) Note 15 (a) and (b) Notes to the Cash Flow Statement

Detailed schedules for the revised Budgets for the financial years 2012-13, 2013-14 and 2014-15 are attached to this report.

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

### **Economic:**

The economic impact as a result of the SAT decision is a reduction of revenue of \$231,949 and will be taken into consideration during the six month budget review process.

### **Social:**

There are no social impacts.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

## **RELEVANT PRECEDENTS:**

There are no relevant precedents.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.32 (3)(b) requires inter alia that a local government, after the State Administrative Tribunal has quashed a rate, to impose a new rate.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The financial implications of the adjustments in each of the three years are as follows:

<b>Budget Adjustments</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Rates Revenue Reduction	\$65,160	\$78,015	\$88,774
Unoccupiable City Centre Zone rate in dollar as originally imposed	19.4234c	19,9186c	19.9186c
GRV Non Residential rate in dollar now imposed on properties in question	10.2968c	10.5594c	10.9385c

The properties to which the GRV Un-occupiable City Centre Zone differential general rates were applied under the original annual budgets now become subject instead to the GRV Non Residential differential general rate, in the revised budgets.

The reduction in general rates revenue results from the difference between the respective rates in the dollar, shown in the table above, applied to the GRV valuations of the properties in question. The owners of these properties are entitled to refund of the difference.

The cumulative effects of the adjustments to budgets, and associated refunds, will be brought to account and reported in the financial statements for the 2014-15 financial year.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

There are no risks to be considered.

**ALTERNATIVE OPTIONS CONSIDERED**

There are no options to consider. Reimposition of the rates (excluding the Un-occupiable City Centre Zone rate) is mandatory under the Act.

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

**That Council by Absolute Majority pursuant to Section 6.3 of the Local Government Act 1995 RESOLVES to:**

1. **ADOPT** the revised budgets for the financial years 2012-13, 2013-14 and 2014-15 as attached to this report;
  2. **NOTE** that the revised annual budgets for each of the three financial years exclude the GRV Un-occupiable City Centre Zone differential general rates, modify the original annual budgets only to the extent necessary to give effect to that exclusion and consequent application of the GRV Non-Residential differential general rate to the properties in question, with budget schedules modified accordingly to reflect the revenue reduction effects per clause 4 of this resolution;
  3. **NOTE** that the budgets for the three years are otherwise in the same form and manner as the annual budgets originally adopted at the Council Meetings held on:
    - a. 09 July 2012 (Budget 2012/2013 recorded as item 9 and included as Attachment TF 010 to the minutes of that meeting);
    - b. 02 July 2013 (Budget 2013/2014 recorded as item 9 and included as Attachment TF 069 to the minutes of that meeting);
    - c. 01 July 2014 (Budget 2014/2015 recorded as item 8 and included as Attachment CCS058 to the minutes of that meeting);
  4. **REDUCE** the amount to be yielded by the general rate as follows:
    - a. 2012-2013 reduction of general rate revenue by \$ 65,160 which reduces the total estimated yield from general rates to \$36,944,535;
    - b. 2013-2014 reduction of general rate revenue by \$ 78,015 which reduces the total estimated yield from general rates to \$37,769,413;
    - c. 2014-2015 reduction of general rate revenue by \$ 88,774 which reduces the total estimated yield from general rates to \$39,464,848;
  5. **NOTE** that in respect of each of the three financial years, the total estimated yield from general rates remains within the statutory limits (within the range 90%-110% of the 'budget deficiency') as prescribed by section 6.34 of the Act; and
  6. **IMPOSE** the differential general rates and minimum payments in accordance with section 6.32(3)(b) of the Local Government Act 1995 for each of the three financial years as set out in the following tables:
-

**a. Differential General Rates:**

Differential General Rate	Rate in the Dollar (Cents)		
	2014-15	2013-14	2012-13
GRV Geraldton Residential	10.9371	-	-
GRV Vacant Residential	-	18.1151	17.6647
GRV Residential	-	10.4835	10.2228
GRV Non Residential	10.9385	10.5594	10.2968
UV Geraldton Rural, Mining & Farming	0.6794	0.6552	-
UV Agricultural General	-	-	0.6389
GRV Ex-Mullewa Shire District	10.9795	11.0172	-
GRV Mullewa Townsite	-	-	10.7432
GRV Pindar Townsite	-	-	13.8362
UV Mullewa Agriculture	0.7800	0.8100	0.8974
UV Mining	-	-	22.7136

**b. Minimum Payments:**

Minimum Payments	2014-15	2013-14	2012-13
Geraldton Residential	\$1010	-	-
Vacant Residential	-	\$769	\$955
Residential	-	\$979	\$955
Non Residential	\$1010	\$979	\$955
Geraldton UV Rural, Mining & Farming	\$1010	\$979	-
Agricultural General	-	-	\$955
Mullewa GRV	\$628	\$628	-
GRV Mullewa Townsite	-	-	\$384
GRV Pindar Townsite	-	-	\$104
Mullewa UV Agriculture	\$705	\$683	\$288
UV Mining	-	-	\$345

**CARRIED BY ABSOLUTE MAJORITY 11/0****5:58:19 PM**

Mayor Carpenter	N/V
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	YES
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	N/V
Cr. Keemink	YES
Cr. Tanti	N/V
Cr. deTrafford	YES
Cr. Clune	YES

### 13. REPORTS OF CREATIVE COMMUNITIES

CC186	TRANSPORTATION OF ROLLING STOCK TO WALKAWAY STATION MUSEUM
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<b>AGENDA REFERENCE:</b>	<b>D-14-75256</b>
<b>AUTHOR:</b>	<b>S Smith, Manager Libraries and Heritage</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>18 November 2014</b>
<b>FILE REFERENCE:</b>	<b>RC/6/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>Walkaway Station Museum Incorporated</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

#### EXECUTIVE SUMMARY:

This report provides Council with an opportunity to consider a request from the Walkaway Station Museum Incorporated (WSM) to assist with the cost of transporting rolling stock from Perth to Walkaway, where it would be housed in the recently completed Railway Display Shed.

#### EXECUTIVE RECOMMENDATION;

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

1. SUPPORT the request for financial assistance from the Walkaway Station Museum Inc. towards the cost of transporting rolling stock from Perth to Walkaway to the value of \$7,000; and
2. APPROVE the allocation of \$7,000 from the existing Heritage Projects budget.

#### PROPONENT:

The proponent is The Walkaway Station Museum Incorporated

#### BACKGROUND:

Walkaway Railway Station was closed as an attended station in 1966. A local history museum was formed in the former station buildings in 1972.

Since then, the WSM Committee has collected documents and memorabilia relating to the history of the Midland Railway Company. The Locomotive B6 was moved from Midland to Walkaway in 2010.

Construction of a purpose built Railway Display Shed, adjacent to the existing goods shed was completed by the City at a total cost of \$400,000, with \$60,000 in funding support from Lotterywest, in August 2014.

Rail Heritage Western Australia has offered a restored "O" Class Steam Locomotive and KA17, a General Manager's Carriage from the Midland Railway Company, on a long term loan to WSM. The rolling stock would be housed in the display shed. The president of the WSM recently approached the City with a request for financial assistance to transport the "O" Class Steam Engine from Perth to Walkaway. The "O" Class steam locomotive is available immediately. The carriage will be available at a later date. The



intention of WSM is to apply for a Community Grant to transport the carriage to Walkaway in 2015.

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

### **Economic:**

Cultural and Heritage Tourism has a significant economic impact. The addition of rolling stock to the museum's collection would increase patronage to the museum, which is a primary tourist destination for the township of Walkaway. Potential for tourism synergies between the renovated original Railway Station and also enhancements at the Northampton Rail precinct may attract further rail enthusiasts to the region.

### **Social:**

Regional Museums are valued for their links back to the community which include opportunities for people to visit, to attend events, and to work in a paid or unpaid capacity. Museums are being reinvented as physical and virtual spaces in which people engage and learn, interacting with objects and discovering their stories.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

The newly erected Railway Display Shed will provide protection for the Rolling Stock. It would also provide a space for future interpretation of railway heritage. The locomotive and carriage will complement the collection of railway memorabilia held in the Railway Station Museum building.

## **RELEVANT PRECEDENTS:**

There are no relevant precedents.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

The president of the WSM discussed the rolling stock at a meeting of the City's Heritage Advisory Committee held on Wednesday 22 October 2014. Councillors Thomas, Keemink and Clune are members of the Heritage Advisory Committee.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

This project aligns with CP023 Heritage Policy which includes the following objectives;

- To follow recommendations contained in the Heritage Strategy 2013 in order to support, promote, protect and manage both heritage assets belonging to the City and all other significant heritage places in the community; and
- To promote a wider appreciation of the region's heritage and its value in cultural, educational and economic terms.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There is no allocation in the City's 2014/15 budget for this project. WSM have stated that the quotation received from John Holland to move the Locomotive is \$15,000, plus GST. Brookfield Rail has offered in-kind support by moving the Locomotive to Walkaway as a back load. This support is valued at approximately \$7,000. The WSM has confirmed that they are able to contribute \$2,000. Therefore, the City is being asked to contribute the shortfall of \$7,000 towards this project. With Council approval, the City's contribution could be accommodated within the existing Heritage Projects budget.

**INTEGRATED PLANNING LINKS:**

Title: Culture	Our Heritage
Strategy1.1	Recognising and protecting our history and restoring heritage sites and buildings

**REGIONAL OUTCOMES:**

Rail heritage attracts strong support and interest and the addition of rolling stock to the collection at WSM has the potential for leading to increased visitation to other heritage sites throughout the region by historians and railway enthusiasts. Increases in tourist numbers would be of benefit to the region.

**RISK MANAGEMENT**

The most significant risk identified is that the WSM will not have an exhibit for the Railway Display shed for several months, or possibly not at all, if funding assistance does not prove to be forthcoming. Given that the shed is a high profile project for the Walkaway community, this could be a cause for some embarrassment and seen to be an ineffective use of funds already expended by the City.

**ALTERNATIVE OPTIONS CONSIDERED**

The WSM Committee was advised to seek Community Grant Funding for the transport of the rolling stock, however the next round of grants opens in March 2015, which would mean the newly built shed would remain empty for up to six months.

*Director Sustainable Communities - Phil Melling declared an Impartiality Interest in Item CC186 Transportation of Rolling Stock to Walkaway, as he is a member of the organisation where the Rolling Stock is being obtained from, and left Chambers at 5.58pm.*

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

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

1. **SUPPORT** the request for financial assistance from the Walkaway Station Museum Inc. towards the cost of transporting rolling stock from Perth to Walkaway to the value of \$7,000; and
2. **APPROVE** the allocation of \$7,000 from the existing Heritage Projects budget.

**CARRIED BY ABSOLUTE MAJORITY 11/0****6:02:02 PM**

Mayor Carpenter	N/V
Cr. McIlwaine	YES
Cr. Van Styn	YES
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	YES
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	N/V
Cr. Critch	YES
Cr. Douglas	N/V
Cr. Keemink	YES
Cr. Tanti	N/V
Cr. deTrafford	YES
Cr. Clune	YES

*Phil Melling returned to Chambers at 6.02pm.*

## 14. REPORTS OF SUSTAINABLE COMMUNITIES

SC187	FINAL ADOPTION OF TOWN PLANNING SCHEME AMENDMENT – LOCAL CENTRE REZONING, MAHOMETS FLATS
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<b>AGENDA REFERENCE:</b>	<b>D-14-75072</b>
<b>AUTHOR:</b>	<b>K Elder, City Strategic Planner</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>5 November 2014</b>
<b>FILE REFERENCE:</b>	<b>LP/7/0037</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

### EXECUTIVE SUMMARY:

The advertising period has concluded for Scheme Amendment No. 71 which proposes to rezone Lot 2634 (No. 1) Fortyn Court, Mahomets Flats to the 'Local Centre' zone.

This report recommends final approval of the Amendment and that it be forwarded to the Minister for Planning for final endorsement.

### EXECUTIVE RECOMMENDATION:

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

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions',
2. ADOPT for final approval Scheme Amendment No. 71 to Town Planning Scheme No. 3 (Geraldton); and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

### PROPONENT:

The proponent is Rowe Group on behalf of Jenari Holdings Pty Ltd.

### BACKGROUND:

The subject lot is located approximately 2 kilometres south of the Geraldton City Centre, in Mahomets Flats. The lot is bounded by the Brand Highway to the north east, Fortyn Court to the north west and McAleer Drive to the south west.

The lot is currently zoned 'Residential R12.5/20/40' and has a total land area of 6,218m<sup>2</sup>. Situated on the northern portion of the lot is a 'Fast Food Outlet' (Chicken Treat) while the rest of the property is vacant. The subject lot is adjacent to other commercial uses such as the service station to the north and the Ocean View Villas motel located on the opposite side of Brand Highway.

The primary intent of this scheme amendment is to facilitate the creation of a local activity centre to service Mahomets Flats and the surrounding community. The rezoning of the subject lot is in accordance with the recommendations of the City's Commercial Activity Centres Strategy.

Relevant extracts of the scheme amendment document are included as Attachment No. SC187A.

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

### **Economic:**

The rezoning will introduce a greater range of uses permissible for the site and will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

### **Social:**

The majority of submissions objecting to the proposal were based on possible social issues if a 'Liquor Store' or 'Tavern' was to be developed on site. A number of the submissions did object to further 'commercial' development based on perceived existing social issues (litter, vandalism, increased crime) as a result of the 24hr Service Station and Chicken Treat, and the proximity to Mahomets Beach.

Given that this proposal is for the rezoning of the land only, there is no specific evidence to support the view that it will create or contribute to any anti-social behaviour in the locality.

Any future development of the site would be subject to a development application and a centre plan which would need to demonstrate that any proposed use or design would not be detrimental to the amenity of the area.

With regard to the possibility of a 'Liquor Store' or 'Tavern', these uses are also subject to further scrutiny as part of the Liquor Licensing approval process through the Department of Racing, Gaming and Liquor.

### **Environmental:**

The Environmental Protection Authority considered that the Amendment should not be assessed under Part IV of the Environmental Protection Act.

### **Cultural & Heritage:**

There are no cultural and heritage issues.

## **RELEVANT PRECEDENTS:**

Council at its meeting held 13 October 2009 gave final approval to rezone Lots 85 & 86, corner of Brand Highway and McAleer Drive, Mahomets Flats from the 'Residential' zone to the 'Special Use – Service Station' zone with additional uses. The Minister granted final approval to the Amendment of the 9 April 2010.

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

The Amendment was publically advertised in accordance with the provisions of the Planning and Development Act 2005.

The advertising period commenced on 11 September 2014 and concluded on 24 October 2014 and involved the following:

1. A notice appeared in the Midwest Times on 11 September 2014;
2. Adjoining/nearby landowners within a 100m radius were written to and advised of the proposed Amendment;
3. Two signs were placed on-site;
4. The Amendment details were available on the City's website;
5. The Amendment details publicly displayed at the Civic Centre; and
6. The Amendment was referred to the following:
  - ATCO Gas;
  - Department of Aboriginal Affairs;
  - Department of Education;
  - Department of Fire and Emergency Services;
  - Department of Housing;
  - Main Roads Western Australia;
  - Midwest Development Commission;
  - Midwest Chamber of Commerce and Industry;
  - Public Transport Authority;
  - Telstra;
  - Water Corporation; and
  - Western Power.

**Submissions**

As a result of the advertising, a total of 8 submissions were received (4 objecting to the proposal). Listed below is a summation of the main concerns raised during the public comment period.

- There would be an increase in anti-social behaviour in the area (vandalism, littering and crime);
- There are existing social issues from the current 24hr Service Station and Chicken Treat;
- There would be an increase in vehicle traffic and hoon driving;
- The area would lose its residential beachside vibe; and
- Concerns surrounding the possible impacts of a 'Liquor Store' or 'Tavern' if developed.

A 'Schedule of Submissions' is included as Attachment No. SC187B and copies of the actual submission are available to Council upon request.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The property is currently zoned 'Residential R12.5/20/40' under Town Planning Scheme No 3 (Geraldton). The proposed scheme amendment seeks to rezone the lot to the 'Local Centre' zone.

The objective of the 'Local Centre' zone is to 'ensure the provision of facilities for shopping and community activities at locations convenient for use by residents of the City's residential districts'.

The primary intent behind the scheme amendment is to facilitate the appropriate statutory planning environment to facilitate the future development of the site as a local activity centre in accordance with the City's Commercial and Activity Centres Strategy.

The use class 'Shop – Local Convenience' is a 'SA' use (discretionary subject to advertising) within the 'Residential' zone. However, Clause 4.8.6 of TPS No. 3 (Geraldton) effectively limits the floor space to 200m<sup>2</sup> which prevents the development of the site in accord with this strategic intent. The scheme amendment will remove the limitation on the floor area of shops and will permit other uses on the site consistent with the 'Local Centre' zone.

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial and budget implications with the rezoning of the site.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

Geraldton Region Plan (1999) and Greater Geraldton Structure Plan 2011:

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject lot is identified as 'urban' and fronts the 'indicative rapid public transport alignment'.

With regard to the development of lower order commercial centres the Greater Geraldton Structure Plan states 'The development of the lower order centres is controlled by the local planning schemes and these are not identified on the Structure Plan'.

Commercial Activity Centres Strategy

This Strategy provides a strategic planning framework for managing future growth in commercial activity by providing performance-based criteria for

commercial centres. The Strategy informs the City and proponents of the potential scale for future retail and commercial development in existing and planned activity centres.

Under the Strategy, the subject lot is located within the area identified as the 'Mahomets Flats Local Centre'.

It is also worthwhile to note that in accordance with the Strategy any future development of the site would require the endorsement of a centre plan. This centre plan will need to demonstrate how the site would be developed in a coordinated manner and deal with a range of issues including but not limited to transport assessment and design.

**RISK MANAGEMENT:**

There are no inherent risks to the City in approving this Scheme Amendment.

**ALTERNATIVE OPTIONS CONSIDERED:**

The subject lot is strategically located adjacent to the Brand Highway and is identified as a 'Local Centre' within the City's Commercial Activity Centres Strategy. The scheme amendment will allow the site to be developed in accord with this strategic intent to service the needs of the surrounding community.

The submissions objecting to the proposal were based on current social issues in the areas, or with regard to possible social issues if a 'Liquor Store' or 'Tavern' were to be developed on site. Given that this proposal is to rezone the land only and provides no specific information on any future development or land use, there is no evidence to support the view that the rezoning would create or increase anti-social behaviour.

There are sufficient statutory requirements as part of Town Planning Scheme No. 3 (Geraldton) and the Commercial Activity Centres Strategy to ensure that any future development is appropriate in scale for the area and does not compromise the amenity of the locality

The option to refuse the Amendment is not supported as it is considered that expanding the range of uses permissible for the subject land would complement the long term, strategic intent for the site which is consistent with the Commercial Activity Centres Strategy.

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



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

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

- 1. DETERMINE the submissions as outlined in the 'Schedule of Submissions',**
- 2. ADOPT for final approval Scheme Amendment No. 71 to Town Planning Scheme No. 3 (Geraldton); and**
- 3. SEEK final approval of the Scheme Amendment from the Minister for Planning.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

**SC188 FINAL ADOPTION OF THE PUBLIC OPEN SPACE STRATEGY**

<b>AGENDA REFERENCE:</b>	<b>D-14-75166</b>
<b>AUTHOR:</b>	<b>K Elder, City Strategic Planner</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>04 November 2014</b>
<b>FILE REFERENCE:</b>	<b>LP/9/0062</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

**EXECUTIVE SUMMARY:**

The advertising period has concluded for the 'Public Open Space Strategy' (the Strategy).

This report recommends final approval of the Strategy (subject to modifications in response to the submissions received) and that it be forwarded to the WA Planning Commission for final endorsement.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to regulation 12A of the Town Planning Regulations 1967 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT for final approval the 'Public Open Space Strategy', subject to the modifications outlined in the 'Schedule of Submissions'; and
3. FORWARD the Strategy to the WA Planning Commission for its endorsement.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City of Greater Geraldton has a vision to have the capacity to sustain a population of up to 100,000 making the City the focal point for an active and vibrant region. This Public Open Space Strategy seeks to develop and manage its extensive public open space network in an efficient and equitable manner so that all residents may enjoy its many benefits, whilst not placing an unsustainable burden on the City's public resources.

As community needs, expectations and demographics change it is important that the City develops a long-term, more sustainable strategic plan for the future provision and management of public open space. The essential function of this Strategy is to understand the supply and demand for open spaces, to identify key deficiencies, to improve the quality of existing spaces and identify areas of new provision.

The Strategy classifies open spaces where community access is encouraged and explicitly managed. While it is acknowledged that substantial recreation

activities occur in other areas of publicly accessible space, the Strategy is focused on urban areas where the mandatory minimum 10% public open space provisions apply. The Strategy is not intended to apply to areas where the primary purpose or function is identified as:

- Preservation and restoration of natural features and values such as conservation estates, nature reserves or similar.
- Where statutory responsibility lies with other State Government Departments.

The Strategy aims to provide a clear direction on the level of open space provision currently experienced in the urban areas of the City and also to provide minimum standards for the development of public open space. The Public Open Space Strategy focuses on the Geraldton urban area and towns.

The Strategy should be read in conjunction with the City of Greater Geraldton Public Open Space Background Report. The Background Report contains the research and analysis used to formulate the Strategy.

The Strategy has been developed in close collaboration with the City's Urban & Regional Development, Commercial Property Development, Environmental Sustainability, Infrastructure Planning & Design and Parks teams.

Council at its meeting held on 28 May 2013 resolved to:

1. *ADOPT the draft 'Public Open Space Strategy' for the purpose of seeking public comment;*
2. *SEEK consent to advertise the draft Strategy from the WA Planning Commission; and*
3. *ADVERTISE the draft Strategy for a period of 42 days, once the WA Planning Commission has given consent to advertise.*

The WA Planning Commission required minor modifications to the original document and resolved to certify for advertising the draft Strategy on 26 June 2014.

A copy of the revised Public Open Space Strategy is included as Attachment No. SC188A, and a copy of the Background Report is available to Council upon request.

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

The value that public open space provides to the community is a combination of social, economic, cultural and environmental factors. A principal role of public open space is to support health, recreation and leisure functions including active pursuits, yet also encompassing passive uses. Environmental protection is also an essential role of public open space, through habitat and biodiversity conservation and air and water quality management. It also provides a strong connection to nature for people living in highly urbanised environments. Public open space is also highly valued for

its natural beauty, contribution to neighbourhood character and community identity, cultural heritage value, tourism potential and the emotional connection people may attach to it.

**RELEVANT PRECEDENTS:**

The author is not aware of any relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The Department of Planning has advised that if the City wishes for the WA Planning Commission to endorse the Strategy, then the City will need to undertake a consultation process in accordance with that required for a local planning strategy as outlined in the Town Planning Regulations 1967.

The advertising period was for 44 days (commencing on 14 August 2014 and concluding on 26 September 2014) and involved the following:

1. All major land developers and planning consultancies were written to and provided with access to a copy of the Strategy;
2. A number of community groups (including recreational groups) and schools were written to and provided with access to a copy of the Strategy;
3. All participants of the community survey and the Public Participation Leadership Group members were written to and provided with access to a copy of the Strategy;
4. A notice appeared in the Mid West Times on 14 August 2014 and on 21 August 2014;
5. The Strategy was available on the City's website;
6. The Strategy was publicly displayed at the Civic Centre and the Mullewa District Office; and
7. The Strategy was referred to the following:
  - ATCO Gas;
  - Department of Education;
  - Department of Fire & Emergency Services;
  - Department of Health;
  - Department of Housing;
  - Department of Indigenous Affairs;
  - Department of Lands;
  - Department of Parks and Wildlife;
  - Department of Sport and Recreation;
  - Department of Water;
  - City Grounds Management Committees;
  - Landcorp;
  - Main Roads WA;
  - Mid West Chamber of Commerce and Industry;
  - Mid West Development Commission;
  - NACC;
  - Public Transport Authority;
  - Spalding Horse and Pony Club;

- Telstra;
- Tourism WA;
- All Progress Associations;
- Water Corporation; and
- Western Power.

**Submissions:**

As a result of the advertising, a total of 13 submissions were received. Listed below is a summation of the comments/concerns raised from the public comment period:

- Lowering the cash in lieu threshold for subdivisions creating five lots or less will impose an additional cost burden on small housing projects, may reduce project viability and provide a disincentive for low cost housing.
- Extending the maintenance period for public open space from 2 years to 5 years is excessive.
- The reduction of public open space in areas that are already under the 10% provision is not generally supported.
- The public open space in the Sunset Beach locality is below the 10% requirement therefore the Eastbourne (Bosley Street) Reserve and the Spalding Horse and Pony Club site should not be classed as residual.
- The Strategy should adopt the terminology proposed within the Classification Framework for Public Open Space.
- Conservation Areas should be acquired via environmental mechanisms and they should not be included as public open space.
- The Public Parkland Planning and Design Guide (WA) should be adopted as part of the Strategy.
- The requirements and recommendations for future sport space should be included within the Strategy, including through reference to the Sporting Futures Report.
- The construction of public open space has always been a requirement however the additional facilities required to be installed is an added cost and goes against the vision to create affordable housing.
- There has been little consideration made to the impact of erosion and other problems on coastal areas. Particularly since the Strategy supports development of some of these areas.
- There is a lack of balance in the type of recreational land available in various suburbs particularly passive recreation types.
- Objection to the public open space on Catherine and Harrison Street, Bluff Point being considered residual as there is not enough public open space in Bluff Point.

The 'Schedule of Submissions' is included as Attachment No. SC188B and copies of the actual submissions are available to Council upon request.

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**LEGISLATIVE/POLICY IMPLICATIONS:**

The Strategy has been prepared and adopted as a Local Planning Strategy pursuant to Regulations 12A and 12B of the Town Planning Regulations 1967.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The Strategy sets minimum standards for new public open space which will then become the responsibility of the City to maintain.

There are also a number of land parcels identified for disposal with the funds generated in the sale of the land being used to upgrade other open space areas.

**INTEGRATED PLANNING LINKS:**

Title: Environment	Revegetation-Rehabilitation-Preservation
Strategy : 2.1.2	Sustainably maintaining public open spaces and recreational areas.
Title: Environment	Sustainability
Strategy: 2.3.3	Promoting and planning innovative design for a sustainable lifestyle that enables low impact living and sustainable urban development.
Title: Social	Recreation and Sport
Strategy: 3.1.2	Encouraging informal recreation through well planned and developed public open spaces, cycle/walk paths and green streetscapes.
Title: Economy	Lifestyle and Vibrancy
Strategy: 4.1.1	Providing equity and choice in affordable and alternative housing to create urban village communities that will help to sustain our lifestyle.
Title: Governance	Planning and Policy
Strategy: 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development.

**REGIONAL OUTCOMES:**Geraldton Region Plan 1999:

The Region Plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan contains an objective for Recreation, Landscape and Conservation Areas being:

- To create an integrated system of open space, landscape protection areas, conservation areas and recreation areas to accommodate local and regional requirements.

The Strategy has been prepared to achieve the above objective.

**Liveable Neighbourhoods:**

Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans and subdivision for new urban areas. The Strategy is set within the context of the Western Australian Planning Commission's "Liveable Neighbourhoods" operational policy.

The Strategy adopts a 5 tiered hierarchy system of open space and seeks a number of regional variations with regard to defining public open space, 'dual function' regional open space, conservation areas, cash-in-lieu and maintenance periods.

**RISK MANAGEMENT:**

At present the City has little guidance in terms of the provision and standard of public open space. The risk in not adopting the Strategy is that there will be a continued ad-hoc approach to public open space.

**ALTERNATIVE OPTIONS CONSIDERED:**

The City of Greater Geraldton recognises that great open spaces and parks make for a better quality of the urban environment and quality of life. Open space provision is firmly part of the statutory and community planning process. A strategic approach to open space provision maximises its potential to provide appropriate multi-functional open space that reflects the community needs.

As community needs, expectations and demographics change it is important that the City develops a long-term, more sustainable strategic plan for the future provision and management of public open space. The essential function of this Strategy is to understand the supply and demand for open spaces, to identify key deficiencies, to improve the quality of existing spaces and identify areas of new provision.

The Strategy is a framework document to guide the provision and development of all public open space primarily within the Greater Geraldton urban area and towns. The Strategy will provide a basis for the improvement of the quality and diversity of parks and the delivery of improved recreation services to ensure more sustainable use of the City's resources and therefore the option to refuse the Strategy 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 BRICK, SECONDED CR VAN STYN**

**That Council by Simple Majority pursuant to regulation 12A of the Town Planning Regulations 1967 RESOLVES to:**

- 1. DETERMINE the submissions as outlined in the ‘Schedule of Submissions’;**
- 2. ADOPT for final approval the ‘Public Open Space Strategy’, subject to the modifications outlined in the ‘Schedule of Submissions’; and**
- 3. FORWARD the Strategy to the WA Planning Commission for its endorsement**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton’s Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*



SC189	ACROD PARKING BAYS IN CENTRAL BUSINESS DISTRICT
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<b>AGENDA REFERENCE:</b>	<b>D-14-74642</b>
<b>AUTHOR:</b>	<b>N Beer, Crime Prevention and Parking Team Leader</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>4 November 2014</b>
<b>FILE REFERENCE:</b>	<b>LE/5/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x12)</b>

**EXECUTIVE SUMMARY:**

To seek Council endorsement of ACROD parking bays in the Central Business District and surrounds.

**EXECUTIVE RECOMMENDATION;**

That Council by Simple Majority pursuant to Section 1.8 and 2.1 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012 RESOLVES to:

1. ADPOT the following ACROD parking/parking restrictions in the City of Greater Geraldton areas of the Central Business District and Parking Stations as indicated on the attached maps included as Attachment No. SC189A,B,C,D,E,F,G,H,I,J,K,L:
  - a. Parking Station No.1- Foreshore Drive;
  - b. Parking Station No.5 - Sandford Street;
  - c. Parking Station No.3 - Anzac Terrace;
  - d. Parking Station No.4 - Durlacher Street;
  - e. Parking Station No.6 - Cathedral Avenue;
  - f. Parking Station No.2 - Chapman Road;
  - g. Foreshore Drive [A] - x4 ACROD Bays;
  - h. Foreshore Drive [B] - x2 ACROD Bays;
  - i. Foreshore Drive [C] - x4 ACROD Bays;
  - j. Francis Street Carpark - x3 ACROD Bays;
  - k. Maitland Street - x1 ACROD Bay; and
  - l. Marine Terrace - x2 ACROD Bays.

**PROPONENT:**

The proponent is City of Greater Geraldton.

**BACKGROUND:**

The City of Greater Geraldton (CGG) is in the process of complying with the Australian Standards (AS), the Building Code of Australia (BCA), the CGG Disability Access and Inclusion Plan 2013-18 (DIAP) and the CGG Car Park Management Plan requirements:

- for ACROD parking bays and signs to be located close to the main accessible entrance of the relocated CGG Visitors Centre; and

- Additional ACROD bays as indicated on the map attachments require endorsement as per the City of Greater Geraldton Parking and Parking Facilities Local Law 2012.

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

### **Economic:**

There are no economic issues.

### **Social:**

The provision of appropriate parking restrictions enables fair vehicle access to areas within the City of Greater Geraldton. It is important that the City acknowledges its responsibilities with regard to people with disabilities.

### **Environmental:**

There are no environmental issues.

### **Cultural & Heritage:**

There are no cultural and heritage issues.

## **RELEVANT PRECEDENTS:**

The City of Greater Geraldton Council under powers conferred by the Local Government Act resolved to make the Parking and Parking Facilities Local Law 2012 on 26 June 2012. The Local Law was printed in the Government Gazette on 4 September 2012.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

No direct consultation with the community has taken place. Should Council adopt the recommendation, the changes will be advertised widely to the City of Greater Geraldton community. No Councillors have been consulted in relation to this item.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

Section 1.8 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012 states:

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

Section 2.1 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012 states:

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

- a. Parking stalls;*
- b. Parking stations;*

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

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial and resources implications.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Planning and Policy
Strategy 5.1.3	Implement business, governance, legislative and compliance frameworks.

**Regional Outcomes:**

There are no regional outcomes.

**RISK MANAGEMENT**

There are no specific risks related to this proposal.

**ALTERNATIVE OPTIONS CONSIDERED**

No alternate options have been considered as there is sufficient information provided for Council to determine and ensure responsibilities are met for people with disabilities.

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

**That Council by Simple Majority pursuant to Section 1.8 and 2.1 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012 RESOLVES to:**

1. **ADPOT the following ACROD parking/parking restrictions in the City of Greater Geraldton areas of the Central Business District and Parking Stations as indicated on the attached maps included as Attachment No. SC189 A,B,C,D,E,F,G,H,I,J,K,L:**
  - a. **Parking Station No.1- Foreshore Drive;**
  - b. **Parking Station No.5 - Sandford Street;**
  - c. **Parking Station No.3 - Anzac Terrace;**
  - d. **Parking Station No.4 - Durlacher Street;**
  - e. **Parking Station No.6 - Cathedral Avenue;**
  - f. **Parking Station No.2 - Chapman Road;**
  - g. **Foreshore Drive [A] - x4 ACROD Bays;**
  - h. **Foreshore Drive [B] - x2 ACROD Bays;**
  - i. **Foreshore Drive [C] - x4 ACROD Bays;**
  - j. **Francis Street Carpark - x3 ACROD Bays;**
  - k. **Maitland Street - x1 ACROD Bay; and**
  - l. **Marine Terrace - x2 ACROD Bays.**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

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

<b>AGENDA REFERENCE:</b>	<b>D-14-75668</b>
<b>AUTHOR:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>10 November 2014</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**EXECUTIVE SUMMARY:**

To receive the Reports of the City of Greater Geraldton.

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Creative Communities
    - i. CC187 – HMAS Sydney II Memorial Advisory Committee Meeting Minutes – 21 October 2014
    - ii. CC188 – Australia Day Committee Meeting Minutes – 21 October 2014
    - iii. CC189 – QEII Seniors Advisory Committee Meeting Minutes – 15 October 2014
    - iv. CC190 Heritage Advisory Committee Meeting Minutes – 22 October 2014
  - b. Reports – Sustainable Communities
    - i. SCDD092 – Delegated Determinations
    - ii. SC190 - Community Safety Crime Prevention Committee Meeting Minutes – 16 October 2014
    - iii. SC191 – Bush Fire Control Advisory Committee Meeting Minutes – 25 September 2014

**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. CCS089 – Quarterly Report on Corporate Business Plan
    - ii. CCS090 - Confidential Report – List of Accounts Paid Under Delegation October 2014

**PROPONENT:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

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

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

**COMMUNITY/COUNCILLOR CONSULTATION:**

Not applicable.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Not applicable.

**COUNCIL DECISION**

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

**PART A**

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

1. **RECEIVE the following appended reports:**
  - a. **Reports – Creative Communities**
    - i. **CC187 – HMAS Sydney II Memorial Advisory Committee Meeting Minutes – 21 October 2014**
    - ii. **CC188 – Australia Day Committee Meeting Minutes – 21 October 2014**
    - iii. **CC189 – QEII Seniors Advisory Committee Meeting Minutes – 15 October 2014**
    - iv. **CC190 Heritage Advisory Committee Meeting Minutes – 22 October 2014**
  - b. **Reports – Sustainable Communities**
    - i. **SCDD092 – Delegated Determinations**
    - ii. **SC190 - Community Safety Crime Prevention Committee Meeting Minutes – 16 October 2014**
    - iii. **SC191 – Bush Fire Control Advisory Committee Meeting Minutes – 25 September 2014**

**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. CCS089 – Quarterly Report on Corporate Business Plan**
    - ii. CCS090 - Confidential Report – List of Accounts Paid Under Delegation October 2014**

**CARRIED 11/0**

*In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.*

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

Nil.

**17. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**19. CLOSURE**

There being no further business the Presiding Member closed the meeting at 6.12pm.



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

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