



ORDINARY MEETING OF COUNCIL

AGENDA

26 APRIL 2017

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD ON WEDNESDAY, 26 APRIL 2017 AT 5.00PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**A G E N D A**

**DISCLAIMER:**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

I would like to respectfully acknowledge the Yamaji 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 Yamaji people.

**3 ATTENDANCE**

Present:

Cr N McIlwaine  
Cr N Colliver  
Cr J Critch  
Cr S Douglas  
Cr M Reymond  
Cr V Tanti  
Cr T Thomas  
Cr G Bylund  
Cr S Keemink  
Cr D Caudwell

Officers:

K Diehm, Chief Executive Officer  
P Melling, Director of Development & Community Services  
B Davis, Director of Corporate and Commercial Services  
R McKim, Director of Infrastructure Services

S Moulds, PA to the Chief Executive Officer/Minute Secretary

Others:

Members of Public:

Members of Press:

Apologies:

\*Mayor S Van Styn

Leave of Absence:

Cr L Freer

Cr B Hall

**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.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

**Existing Approved Leave**

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>	<b>Date Approved</b>
Cr L Freer	12 April 2017	2 May 2017	28/03/2017
Cr N McIlwaine	13 April 2017	26 April 2017	28/02/2017
Cr R Hall	14 April 2017	30 April 2017	28/02/2017
Cr S Douglas	10 July 2017	10 August 2017	28/02/2017
Cr N McIlwaine	23 August 2017	2 October 2017	28/02/2017

\*Mayor S Van Styn application for leave of absence from 26 April 2017 inclusive be approved.

Cr M Reymond application for leave of absence from 28 April to 15 May be approved.

Cr N Colliver application for leave of absence from 5 to 10 May 2017 inclusive be approved.

*\*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*

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS**

Nil.

**8 DECLARATIONS OF CONFLICTS OF INTEREST**

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 March 2017, as previously circulated, be adopted as a true and correct record of proceedings.

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
29 March 2017	Radio Mama Interview - Council Meeting Outcomes	Mayor S Van Styn
29 March 2017	ABC Radio Interview - Council Meeting Outcomes	Mayor S Van Styn
29 March 2017	Spirit Radio Interview - Council Meeting Outcomes	Mayor S Van Styn
29 March 2017	Meeting with the Housing Authority seeking feedback from stakeholders regarding annual maintenance spend	Mayor S Van Styn
29 March 2017	Strategic Community Plan - Workshop with Elected members	Mayor S Van Styn
30 March 2017	Meeting with Darren Darch to discuss new wildlife conservation projects	Mayor S Van Styn
30 March 2017	Meeting with Father Cross and the Mayor to discuss tourism opportunities at the Cathedral	Mayor S Van Styn
31 March 2017	Meet and Greet with the Consul General of Australia in the Guandong Province (CGG Sister City Partnership)	Deputy Mayor N Mcllwaine
1 April 2017	Geraldton Surf Lifesaving Club Annual Dinner	Cr B Hall
3 April 2017	St John of God Hospital 25 Year Celebration and Blessing	Deputy Mayor N Mcllwaine
3 April 2017	Presentation of Greater Geraldton Sporting Achievement Grants	Deputy Mayor N Mcllwaine
4 April 2017	ABC Radio Telephone Interview - Art Drive	Deputy Mayor N Mcllwaine
4 April 2017	Concept Forum	Deputy Mayor N Mcllwaine
5 April 2017	Olive Street Photoshoot with the Guardian	Deputy Mayor N Mcllwaine
6 April 2017	Geraldton Senior College ANZAC Peace Service	Deputy Mayor N Mcllwaine
7 April 2017	John Willcock College ANZAC Commemorative Ceremony	Deputy Mayor N Mcllwaine
7 April 2017	Hollomby Scholarship Photos & Lunch	Deputy Mayor N Mcllwaine
10 April 2017	Citizenship Ceremony	Deputy Mayor N Mcllwaine
18 April 2017	Regular Catch-up with Media and Marketing	Mayor S Van Styn
18 April 2017	Agenda Forum	Mayor S Van Styn

19 April 2017	Radio Mama – The Onion Segment	Mayor S Van Styn
19 April 2017	ABC Radio Interview – RCA Smart Cities Reference Group – Great Southern and Gippsland	Mayor S Van Styn
19 April 2017	WA Soroptimist International Award Function	Mayor S Van Styn
19 April 2017	Possible Sites for a Movie Production	Mayor S Van Styn
20 April 2017	Progress Mid West Establishment Board Meeting	Mayor S Van Styn
20 April 2017	Legal Imposts on Local Government - discussion before the Northern Country Zone Meeting	Mayor S Van Styn
20 April 2017	Geraldton University Centre Graduation Ceremony	Mayor S Van Styn
21 April 2017	ABC Radio Interview – RCA Smart Cities Reference Group – Midwest	Mayor S Van Styn
24 April 2017	Northern Country Zone - Legislative Imposts Meeting – Mingenew	Mayor S Van Styn
24 April 2017	Pre-ANZAC Day Meeting with Events team	Mayor S Van Styn
24 April 2017	Budget Review with Mayor	Mayor S Van Styn
25 April 2017	ANZAC Day Dawn Service – Geraldton	Mayor S Van Styn
26 April 2017	Cities Reference Group Inaugural Meeting – Sydney	Mayor S Van Styn
26 April 2017	Ordinary Meeting of Council	Deputy Mayor N McIlwaine

## 11 REPORTS OF DEVELOPMENT & COMMUNITY SERVICES

### DCS322 APPROVAL OF ACTIVITY CENTRE PLAN, GLENFIELD

<b>AGENDA REFERENCE:</b>	<b>D-17-23550</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>5 April 2017</b>
<b>FILE REFERENCE:</b>	<b>LP/9/0095</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) A. Activity Centre Plan; and B. Schedule of Submissions</b>

#### **EXECUTIVE SUMMARY:**

The advertising period has concluded for the Activity Centre Plan for Lot 55 Chapman Road, Glenfield which provides the planning framework to guide and facilitate the development of approximately 12ha of land for a restricted range of service commercial purposes.

This report recommends that the Activity Centre Plan be approved by the WA Planning Commission.

#### **EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Schedule 2, Part 5, clause 36 of the Planning and Development (Local Planning Schemes) Regulations 2015 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions'; and
2. RECOMMEND to the WA Planning Commission that the Lot 55 Chapman Road, Glenfield Activity Centre Plan be approved subject to the modifications as outlined in the schedule of submissions.

#### **PROPONENT:**

The proponent is TPG + Place Match on behalf of the landowner ASDC Pty Ltd.

#### **BACKGROUND:**

The Lot 55 Chapman Road, Glenfield Activity Centre plan has been prepared to guide the future development of 12.24ha of land for a restricted range of service commercial purposes. The site is located approximately 9km north of the Geraldton CBD and is situated in the centre of the growing residential catchments of Drummonds Cove to the north, Glenfield to the east and Sunset Beach to the south. The site is located within the buffer area associated with the Water Corporation Waste Water Treatment Plant situated to the immediate south west of the site.

The Activity Centre Plan forms part of a larger overall area referred to as the Glenfield District Activity Centre. The boundary of the Glenfield District



Activity Centre has been largely predetermined by the prior planning associated with the Glenfield Beach Local Structure Plan, the Glenfield Structure Plan and the Glenfield Beach Activity Centre Structure Plan.

The Activity Centre Plan proposes the whole of the site to be zoned 'Service Commercial' with restrictions on land uses to ensure that future development is compatible with the odour buffer associated with the Wastewater Treatment Plant. The types of land uses envisaged are primarily for a limited range of service commercial uses including the potential for showroom/bulky goods, service station, liquor store and car wash.

The Activity Centre Plan proposes an east-west road, which extends to the west of the site and extends north to connect with Sunset. The road location allows future development to orientate to address Sunset Boulevard to take advantage of the adjoining Glenfield District Activity Centre to the north.

A copy of the Activity Centre Plan is included as Attachment No. DCS322A and a full copy of all the appendices are available to Council upon request.

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

#### **Economic:**

The Activity Centre Plan is intended to facilitate the future development of approximately 27,880m<sup>2</sup> of floor space for restricted 'Service Commercial' use.

#### **Social:**

The Activity Centre Plan is part of a 'District Activity Centre' which are envisaged to develop as multipurpose centres that provide a diversity of uses and offer a range of essential services, facilities and employment opportunities.

#### **Environmental:**

Lot 55 is located within the odour buffer area associated with the Water Corporation Waste Water Treatment Plant. The Activity Centre Plan includes technical investigations, which indicates that the proposed restricted service commercial land uses are compatible within the buffer.

There is considerable remnant vegetation on site. Most of which has been classed as 'degraded', however a portion central to the site is classified as 'good'. Local Development Plans are required for the future development of any areas of 'good' vegetation and opportunities exist to either retain or regenerate native vegetation in landscaped buffer areas or along road reserves.

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

There are no cultural and heritage impacts.

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**RELEVANT PRECEDENTS:**

Council at its meeting held on 25 March 2014 gave final approval of the Glenfield Beach Activity Centre Structure Plan. The WA Planning Commission endorsed the Activity Centre Structure Plan on 14 October 2014.

Council at its meeting held on 23 November 2010 gave final approval to the Glenfield Structure Plan. The WA Planning Commission endorsed the Structure Plan on 21 February 2011.

The author is not aware of any other relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The Activity Centre Plan was publicly advertised in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

The advertising period was for 28 days (commencing 10 February 2017 and concluding on 9 March 2017) and involved the following:

1. All landowners abutting and in proximity to the Activity Centre Plan area were written to and provided extracts of the Activity Centre Plan;
2. A public notice appeared in the Geraldton Guardian on 10 February 2017;
3. A sign was placed on site;
4. The Activity Centre Plan details were available on the City's website;
5. The Activity Centre Plan details were referred to the following:
  - Department of Education and Training
  - Department of Environmental Regulation;
  - Department of Parks and Wildlife
  - Department of Indigenous Affairs;
  - Department of Water;
  - Department of Fire and Emergency Services;
  - Main Roads Western Australia;
  - Mid West Chamber of Commerce and Industry;
  - Mid West Development Commission;
  - Water Corporation;
  - Western Power;
  - Drummond Cove Progress Association;
  - Sunset Beach Progress Association; and
  - Waggrakine Glenfield Progress Association.

**Submissions:**

As a result of the advertising, a total of 11 submissions were received, 4 in support of the application and 7 with no objection.

A 'Schedule of Submissions' is included as Attachment No. DCS322B and copies of the actual submission are available to Council upon request.

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**LEGISLATIVE/POLICY IMPLICATIONS:**

The subject land is zoned 'Urban Development' under Local Planning Scheme No. 1. The objectives of the zone are to:

- (a) Identify areas that require comprehensive planning in order to provide for the coordination of subdivision, land use and development.*
- (b) Provide a basis for more detailed structure planning in accordance with the provisions of this scheme.*

The Activity Centre Plan (once approved by the WA Planning Commission) will enable the local government to consider subdivision and approve future development of the site.

The site is also located within the Wastewater Treatment Plants Special Control Area (SCA 2) under the Scheme. The purpose of SCA 2 is to not only provide buffers to treatment plants, but also to provide opportunities for locating a range of land uses that provide multiple economic, environmental and social benefits. The objectives are to:

- (a) Minimise land use conflict.*
- (b) Provide for compatible and beneficial land uses within the buffer.*

In considering applications within SCA 2 areas the City is required to have regard to; whether the proposal is compatible with the existing and proposed future use of the plant, and the Water Corporation's advice in relation to compatible and beneficial land uses for buffers.

The Activity Centre Plan includes an Odour Assessment and the proposed land uses for the site will be restricted to ensure their compatibility with the buffer. The land uses have been assessed against the Water Corporation's Odour Buffer Land Use Permissibility Table and the Water Corporation has no objections to the proposed Activity Centre Plan.

The Activity Centre Plan designates a 'Service Commercial' zone over the site with restricted land uses. 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.*

It is considered that 'Service Commercial' zone is appropriate for the site given its location and the restricted uses that are required in order to ensure future development is compatible with the Wastewater Treatment Plant odour buffer.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The Activity Centre Plan will facilitate land for future restricted service commercial development. As part of this future development, there will be increased income to the City via rates, and fees associated with development of the land. New roads will become the responsibility of the City to maintain in the future.

**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:**

**Local Planning Strategy:**

This Strategy represents the land use planning response to the City's strategic community vision. It guides long-term land use planning and provides the rationale for land use and development controls.

Lot 55 has been identified in the Strategy located in the area generally indicated as 'District Centre'. The Strategy lists a number of commercial strategies and actions, the most relevant being:

Strategies:

1. Establish a hierarchy of activity centres and areas where priority should be given for more intensification in close proximity to existing and planned services.

Actions:

1. Implement the land use planning recommendations from the Commercial Activity Centres Strategy; and
2. Zone land in and around activity centres to ensure they provide for residential, retail, commercial intensification and mixed use development as appropriate.

The Activity Centre Plan is considered to be consistent with these strategies and actions as it proposes the potential development of land that will provide for intensification around an identified future activity centre.

**Commercial Activity Centres Strategy (2013):**

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.

The subject land is in the area generally indicated for the location of a 'District Centre'.

The Strategy also requires the preparation of activity centre structure plans prior to approval of any major development within an activity centre to ensure a centre's development is integrated, cohesive and accessible.

**RISK MANAGEMENT:**

There are no inherent risks to the City in supporting this Activity Centre Plan.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The Activity Centre Plan provides a comprehensive planning framework to achieve the desired development outcomes and will guide in the preparation and approval of local development plans, subdivision and development applications.

The option to refuse is not supported as the Activity Centre Plan is consistent with the regional planning direction and local planning policy framework as it applies to the area.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter. In any event the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government must prepare a report on the Activity Centre Plan and provide it to the WA Planning Commission no later than 60 days after the advertising period (in this case being 8 May 2017).

DCS323 PROPOSED CLOSURE AND DISPOSAL – PORTION OF VERITA ROAD, WANDINA
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<b>AGENDA REFERENCE:</b>	<b>D-17-23867</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Urban &amp; Regional Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Community Services</b>
<b>DATE OF REPORT:</b>	<b>5 April 2017</b>
<b>FILE REFERENCE:</b>	<b>P150279</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>
	<b>A. Road Closure Plan</b>

**EXECUTIVE SUMMARY:**

The advertising period has concluded for the closure and disposal of a portion of Verita Road abutting Lot 560 Verita Road, Wandina. This report recommends support of the closure and disposal.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 58 of the Land Administration Act 1997 RESOLVES to:

1. REQUEST the Minister for Lands to approve the closure and amalgamation of portion of Verita Road reserve abutting Lot 560 Verita Road, Wandina as shown on Plan No. E14014-OO1.

**PROPONENT:**

The proponent is Cardno acting on behalf of the owners of Lot 560 Verita Road, Wandina (the Housing Authority).

**BACKGROUND:**

As part of the 'Karoo-Wandina project' and the associated subdivision for residential lots, the Housing Authority agreed to provide the land required for the construction of Verita Road. Verita Road was subsequently constructed and formally created.

The Housing Authority commenced construction of the residential lots in accordance with the approved subdivision plan (which was based on a pre-construction design for Verita Road).

As a result of final survey of the residential lots, it has been identified that some of the residential retaining walls actually encroach into the Verita Road reserve by as much as 2m in places.

A total of 618m<sup>2</sup> of road reserve is therefore proposed to be closed, varying in width from 100mm to 2m, to correct the anomaly and allow for the issuing of titles for the residential lots.

The slight reduction in the road reserve will have no impact on any services nor the functionality of the road.

A road closure plan is included as Attachment No. DCS323.

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

**Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural:**

There are no cultural issues.

**RELEVANT PRECEDENTS:**

The author is not aware of any relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The proposed closure and disposal was publicly advertised in accordance with the provisions of the Land Administration Act 1997.

The advertising period was for 35 days (commencing on Wednesday 1 March 2017 and concluding on Tuesday 4 April 2017) and involved the following:

1. A notice appeared in the Geraldton Guardian on 28 February 2017;
2. The closure was publicly displayed at the Civic Centre;
3. The closure was publicly advertised on the City's website; and
4. The closure (via the proponent) was referred to the following:
  - ATCO Gas Australia;
  - Western Power;
  - Telstra;
  - Water Corporation; and
  - NBN.

**Submissions:**

As a result of advertising a total of 5 submissions were received (all from servicing authorities with no objection). Copies of the actual submissions are available to Council upon request.

There has been no Councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 58 of the Land Administration Act 1997 provides for the closure of public roads.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial and resource implications, however the Housing Authority will be requesting that the Department of Lands waive the purchase fee, given that the land for Verita Road was originally ceded free of cost by the Authority.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

There are no regional outcomes.

**RISK MANAGEMENT:**

There are no inherent risks with the closure and disposal.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The Housing Authority commenced construction of the residential lots in accordance with the approved subdivision plan (which was based on a pre-construction design for Verita Road).

As a result of final survey of the residential lots, it has been identified that some of the residential retaining walls actually encroach into the Verita Road reserve by as much as 2m in places. The closure is required to correct the anomaly and allow for the issuing of titles for the residential lots. The option to refuse is therefore not supported.

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



DCS324 LEASE RENEWAL – GERALDTON TENNIS CLUB INCORPORATED
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<b>AGENDA REFERENCE:</b>	<b>D-17-23385</b>
<b>AUTHOR:</b>	<b>W Acton, Land Acquisitions and Disposals Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>23 March 2017</b>
<b>FILE REFERENCE:</b>	<b>R21146</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

Geraldton Tennis Club Incorporated have responded to the City's invitation for lease renewal by written advice to the City requesting that they enter into a new land lease for an initial three year period, with the option to extend for two further 5 year periods.

The purpose of this report is to seek Council approval to enter into a land lease over portion of Reserve 21146, 258 Eighth Street, Wonthella for a term of 21 years as per the Management Order and as a matter of consistency with Crown Lease renewals.

**EXECUTIVE RECOMMENDATION:**

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

1. ENTER into a land lease agreement with Geraldton Tennis Club Incorporated for portion of Reserve 21146;
2. SET the conditions as follows:
  - a. enter into a 21 year lease agreement commencing 1 July 2017; and
  - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
3. MAKE the determination subject to consent from the Minister for Lands; and
4. ADVISE the lessee they are responsible for separately paying:
  - a. relevant building insurance and other insurances;
  - b. all applicable rates, taxes and other utilities; and
  - c. legal and survey expenses associated with the preparation, execution and registration of the lease.

**PROPONENT:**

The proponent is Geraldton Tennis Club Incorporated.

**BACKGROUND:**

Reserve 21146 is vested in the City of Greater Geraldton by way of a management order for the purpose of Recreation with the power to lease for up to 21 years with Ministerial Consent.

Geraldton Tennis Club's previous lease on the same portion of reserve was held from 1994 until 2015. They have been in a holding over period since 30 June 2015, awaiting the outcome of the Sporting Facilities Support Review. The Sporting Facilities Support Review covered the following four aspects of provision of support for operation and maintenance of sporting facilities:

1. Grounds managed by Ground Management Committees;
2. Facilities (land/buildings) leased from the City by sporting groups/clubs;
3. Cricket pitches; and
4. Floodlighting.

The review was initiated in response to Council concerns that there was a real or perceived inequity in the allocation of City resources for the operation and maintenance of sporting grounds and facilities.

The recommendations aimed to provide a more transparent and robust foundation for decision-making resulting in more equitable and focussed support to the sporting community.

On the 26 April 2016, the Council resolved to:

*“ADVISE the Geraldton Tennis Club that their lease with current conditions will be extended on a month by month basis until 30 June 2017, and from 30 June 2017, all conditions of CP049 will apply to their new lease with conditions phased in over a three-year period (i.e. the current ground maintenance grant will be phased out in instalments over three years (75% of current in 2017/18; 50% in 2018/19; 25% in 2019/20 and ceasing from 2020/21 onwards)”*

Following the above, Geraldton Tennis Club Incorporated requested that the City reconsider the resolution in regards to the ground maintenance grant and provided financial information and a business plan for consideration.

At the Ordinary Meeting held on Tuesday, 28 February 2017 the following was resolved in reference to the financial support:

*“ADVISE that the current ground maintenance grant will be phased out in instalments over three years (75% of current in 2017/18; 50% in 2018/19; 25% in 2019/20 and ceasing from 2020/21 onwards”.*

On 22 March 2017, after an enquiry by the City as to whether the Club wished to enter into a new lease agreement, the Club wrote to the City as follows:

*“I advise that the Club would intend to lease the same area as its present lease covers, namely the area on which our clubhouse is situated and surrounding areas together with the 4 banks of 2 hard and 23 grass courts.*

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*I would suggest as a starting point that the lease be for three years with 2 options for the Club to extend for 2 periods of 5 years each at a peppercorn rent.”*

This request by the Club is not supported as it is considered that the Club is well established and the maximum term of the Management Order, that being 21 years, should be exercised.

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

#### **Economic:**

There are no economic impacts.

#### **Social:**

Geraldton Tennis Club Incorporated provides a strong social and sporting culture for members and the community.

#### **Environmental:**

There are no environmental impacts.

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

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

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

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

There has been no community or Councillor consultation regarding the new lease.

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

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

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

The lease fee is set by the City of Greater Geraldton Schedule of Fees and Charges adopted by Council and reviewed annually. The commencement lease fee for 2016/17 is \$392.00 per annum inclusive of GST.

### **INTEGRATED PLANNING LINKS:**

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

### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT:**

There are no identified risk management issues with this report.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The first option for consideration is to not approve the lease, but this option is not supported as the Club is already well established in the Eighth Street Sports Precinct.

A second option would be to lease a portion of the reserve as per the request from the Geraldton Tennis Club as follows:

- a. enter into a 3 year lease agreement commencing 1 July 2017; and
- b. provide two further term options for a further 5 years from the 1 July 2020 and a further 5 years from 1 July 2025.

DCS325 LEASE RENEWAL – GERALDTON SOFTBALL ASSOCIATION INC
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<b>AGENDA REFERENCE:</b>	<b>D-17-23405</b>
<b>AUTHOR:</b>	<b>W Acton, Land Acquisitions and Disposals Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>22 March 2017</b>
<b>FILE REFERENCE:</b>	<b>R24508</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

Geraldton Softball Association Incorporated has written to the City requesting that they enter into a new lease upon expiry of their current lease on 30 June 2017.

The purpose of this report is to seek Council approval to enter into a new 21-year land lease over portion of Reserve 24508.

**EXECUTIVE RECOMMENDATION:**

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

1. ENTER into a land lease agreement with Geraldton Softball Association Incorporated for portion of Reserve 24508;
2. SET the conditions as follows:
  - a. enter into a 21 year lease agreement commencing 1 July 2017;
  - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges reviewed annually;
3. MAKE the determination subject to consent from the Minister for Lands;
4. ADVISE the lessee they are responsible for separately paying:
  - a. relevant building insurance and other insurances;
  - b. all applicable rates, taxes and other utilities; and
  - c. legal and survey expenses associated with the preparation, execution and registration of the lease.

**PROPONENT:**

The proponent is Geraldton Softball Association Incorporated

**BACKGROUND:**

The Reserve known as the Uta Karra Ball Park, is vested in the City of Greater Geraldton by way of a management order for the purpose of Recreation with the power to lease for up to 21 years with Ministerial Consent.

The Sporting Futures Report recommended to:

Approve as a concept the relocation of the Geraldton Softball Association and other associated sporting users to the site adjacent to the new Flores Road

Sporting Precinct subject to, and funded by, the associated land development pending proper investigation of the site.

It is unlikely the Flores Road Sporting Precinct will be developed in the next 20 years however if the development were to arise, the City would reserve the right to negotiate the relocation with the Club.

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

### **Economic:**

There are no economic impacts.

### **Social:**

Geraldton Softball Association Incorporated provides a strong social and sporting culture for members and the community.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

## **RELEVANT PRECEDENTS:**

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

## **COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community or Councillor consultation.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

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

## **FINANCIAL AND RESOURCE IMPLICATIONS:**

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

## **INTEGRATED PLANNING LINKS:**

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

## **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

## **RISK MANAGEMENT**

There are no identified risk management issues with this report.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The other option for consideration is to not to enter into a new lease but this option is not supported as the Association have the potential to increase activation in the area and provide a stable future to the increasing membership.

**DCS326 GERALDTON REGIONAL ART MANAGEMENT COMMITTEE**

<b>AGENDA REFERENCE:</b>	<b>D-17-23318</b>
<b>AUTHOR:</b>	<b>E York, Coordinator Gallery and Cultural Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>24 March 2017</b>
<b>FILE REFERENCE:</b>	<b>RC/3/0006-02</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to dissolve the Public Arts Advisory Committee and the Geraldton Regional Art Gallery Management Committee and establish a new committee, the Geraldton Regional Art Management Committee.

**EXECUTIVE RECOMMENDATION:**

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

1. DISSOLVE the following internal Committees:
  - a. Public Art Advisory Committee;
  - b. Geraldton Regional Art Gallery Management Committee;
2. ESTABLISH Geraldton Regional Art Management Committee;
3. SET as members of the Geraldton Regional Art Management Committee:
  - a. Cr \_\_\_\_\_;
  - b. Cr \_\_\_\_\_;
  - c. Cr \_\_\_\_\_;
  - d. City of Greater Geraldton staff:
    - i. Director Development and Community Services;
    - ii. Manager Community and Cultural Development;
    - iii. Coordinator Gallery and Cultural Development;
  - e. External members of the Committee:
    - i. Arts and Cultural Development Council (ACDC) nominated representative;
    - ii. Yamaji Art nominated representative;
    - iii. Geraldton Museum nominated representative;
    - iv. Four community nominees;
4. SET the Terms of Reference of the Geraldton Regional Art Management Committee to be:
  - a. To appoint 3 Elected Members to this Committee;
  - b. To support and promote the Geraldton Regional Art Gallery's vision and mission statements. These are:
    - i. To be a leading regional art gallery in Western Australia and a centre of artistic excellence accessible to all in the region;
    - ii. To enrich people's lives by providing a diverse high quality visual arts program that is vibrant, thought



provoking and relevant to the people of the region and its visitors;

- c. To support the implementation of the Public Art Strategy;
- d. To provide guidance to internal and external proponents on public art;
- e. To provide Council with advice and recommendations on public art and the Geraldton Regional Art Gallery; and
- f. The committee has no delegated authority.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The City of Greater Geraldton currently has two Committees of Council that oversee aspects of visual art. These include the Public Art Advisory Committee and the Geraldton Regional Art Gallery Committee.

The purpose of the Public Art Advisory Committee is to provide advice to Council on public art issues and consult on art components of development applications and various City projects. The Committee does not have delegated authority. The current Committee Members include:

Cr Steve Douglas  
Cr Neil McIlwaine, Deputy Mayor  
Cr Michael Reymond  
*External Members:*  
ACDC Representative  
Yamaji Art Representative  
Deborah Cain  
Rose Holdaway  
Adeline Turner

The purpose of the Geraldton Regional Art Gallery Management Committee is to support the successful management of the Gallery, its buildings and surrounds. Furthermore, the purpose is also to facilitate the promotion of visual art in Greater Geraldton and regional areas and assist in the planning and promotion of visual arts, including craft. The Geraldton Regional Art Gallery Committee has delegated authority. The current Terms of Reference outline that the Committee Members include:

Cr Steve Douglas  
Cr Neil McIlwaine, Deputy Mayor  
Cr Michael Reymond  
*External Members:*  
Brian Stewart, Art Gallery of WA  
ACDC Representative  
Gary Martin  
Christian Watters

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Prior to 2017, the Art Gallery of WA managed the Geraldton Regional Art Gallery. The staff within the Gallery were employed by the Art Gallery of WA. The City of Greater Geraldton contributed to the Gallery by providing the building within which the Gallery operates and by provided an operating budget for the Gallery. The Committee, guided by the Terms of Reference, oversaw the management of the Gallery by the State within the City's building.

In late 2016, the Art Gallery of WA advised the City of Greater Geraldton that funding reductions meant they could no longer operate the Gallery directly. The Art Gallery of WA offered the City of Greater Geraldton a grant each year for a term of five years to take over the management of the Gallery. The City of Greater Geraldton accepted this grant and entered into a five-year agreement with the Art Gallery of WA to manage the Gallery. The Gallery came under the City of Greater Geraldton's management on 1 January 2017.

Under the new management arrangement whereby the Art Gallery of WA no longer directly manages the Gallery within a City owned building, the role of the Geraldton Regional Art Gallery will naturally change. Furthermore, the public art portfolio at the City is now within the scope of work overseen by the Coordinator Gallery and Cultural Development.

To reduce doubling up of resources and also to ensure consistency between the way in which visual arts is delivered within the Gallery and public art is delivered in the City of Greater Geraldton, this item proposes to dissolve the current committees and establish a new committee which oversee the provision of visual arts at the gallery and the implementation of the public art strategy.

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

### **Economic:**

Combining the Committees will not affect the operational or capital expenditure budgets for Public Art or the Geraldton Regional Art Gallery. These budgets have already been set for the 16/17 FY and presented to Council and the funding for the Gallery in particular is grant funded on a five-year agreement with the Department of Culture and the Arts.

### **Social:**

Under the Terms of Reference, the Geraldton Regional Art Gallery Committee has two general community members and the Public Art Advisory Committee currently has three general committee members. Each Committee has three Council representatives and a representative from ACDC. The Public Art Advisory Committee also has a representative from Yamaji Art.

It is proposed that in combining the committees, the newly formed committee will have three Council representatives, a representative from ACDC, a representative from Yamaji Art and four community members.

Combining the committees, will save time and allow the artistic vision of the City to align.

**Environmental:**

There are no anticipated environmental impacts.

**Cultural & Heritage:**

The proposed combined committee will continue to represent relevant local arts and cultural organisations. It is proposed nominees are appointed from:

- i. Arts and Cultural Development Council;
- ii. Yamaji Arts; and
- iii. Two Community Members.

**RELEVANT PRECEDENTS:**

At an Ordinary Meeting of Council on 24 November 2015 Council resolved by absolute majority, pursuant to Local Government Act 1995 Section 5.8, to re-establish the Public Arts Advisory Committee and the Geraldton Regional Art Gallery Committee.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The proposal to dissolve the two current committees and establish a new committee, that provides advice in relation to the Art Gallery and public Art, has been discussed with Council at a City Concept Forum held on Tuesday, 7 March 2017.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 5.8 of the Local Government Act outlines the conditions under which a local government can establish a committee. Specifically, 5.8 states:

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications to the budget for the Regional Art Gallery or the Public Art portfolio as a result of one committee overseeing both, although staff resourcing will be reduced as there will be less administration in coordinating one committee rather than two.

**INTEGRATED PLANNING LINKS:**

Title: Culture	The Arts
Strategy 1.3.1	Fostering and facilitating art in all its forms
Strategy 1.3.2	Facilitating and promoting Aboriginal and Torres Strait Islander art
Strategy 1.3.3	Fostering and facilitating community arts and cultural events

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Strategy 1.3.4
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Attraction of large art exhibitions
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**REGIONAL OUTCOMES:**

The Geraldton Regional Art Committee will oversee the vision and mission for the Geraldton Regional Art Gallery which is:

- i. To be a leading regional art gallery in Western Australia and a centre of artistic excellence accessible to all in the region; and
- ii. To enrich people's lives by providing a diverse high quality visual arts program that is vibrant, thought provoking and relevant to the people of the region and its visitors.

**RISK MANAGEMENT:**

Community members could be concerned that their level of involvement and participation is less. However, as per the current composition of the Regional Art Gallery Committee, the Terms of Reference is proposed to allow for two community members to join the committee.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following option was considered by City Officers:

The Public Art Advisory Committee and Geraldton Regional Art Gallery Committee do not combine and remain as two separate committees. However, this option is challenging as the role of the Regional Art Gallery Committee and its current membership, which includes representatives from the Art Gallery of WA, is no longer relevant given that the City now directly manages the Gallery and the Art Gallery of WA no longer has the staff resourcing to attend and participate in committee meetings.

**DCS327 WIND ON WATER (WOW) FESTIVAL**

<b>AGENDA REFERENCE:</b>	<b>D-17-23871</b>
<b>AUTHOR:</b>	<b>J Panter, Events and Facilities Coordinator</b>
<b>EXECUTIVE:</b>	<b>P Melling , Director Development and Community Services</b>
<b>DATE OF REPORT:</b>	<b>5 April 2017</b>
<b>FILE REFERENCE:</b>	<b>RC/1/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2) A. WoW Festival Business plan; and B. Tourism Impact Report</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval on the City of Greater Geraldton ceasing the delivery of Festivals on the Foreshore and instead developing a year-to-year service agreement of \$20,000 to the Geraldton Greenough Sunshine Festival and Funtavia. It is proposed the City develop a new inaugural signature event called Wind on Water Festival (WoW). The total proposed cost of the WoW Festival in 2018 is \$164,080. A grant application to the value of \$80,000 is sought from the Building Better Regions Fund, with the remaining amount to come from the City of Greater Geraldton. This City's contribution already exists in the budget for the annual signature event.

City Officers will continue to seek funding from other funding bodies however, in the event that the Building Better Regions application and other grant applications are not successful, a scaled down version of the WoW Fest can still be delivered in 2018.

**EXECUTIVE RECOMMENDATION:**

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

1. AGREE to cease the delivery of Festivals on the Foreshore and notify stakeholders;
2. AGREE to issue a service agreement reviewed year-to-year (meaning future years' funding will be dependent on the success of previous years' delivery budget deliberation) to the value of \$20,000 to Sunshine Festival to autonomously deliver Sunshine Festival;
3. AGREE to issue a service agreement reviewed year-to-year (meaning future years' funding will be dependent on the success of previous years' delivery budget deliberation) to Funtavia for \$20,000 to deliver and ramp up Fringe content to the region;
4. AGREE to a new signature event, Wind on Water Festival, to be established;
5. AGREE to list for budget consideration:
  - a. A new signature event;
  - b. The continuation of Sunshine Festival through a funding service agreement, subject to a sound business case outlining the

- Committee's capacity to deliver Sunshine Festival autonomously of the City of Greater Geraldton budget deliberation; and
- c. The scaling up of Funtavia through a funding service agreement, subject to a sound business case outlining the event organiser's capacity to deliver Funtavia at a larger scale autonomously of the City of Greater Geraldton budget deliberation.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Sunshine Festival is one of Western Australia's longest running regional festivals, having commenced in 1959. The Sunshine Festival is a family friendly, 'PG-rated' event and has been run largely by volunteers. Key ongoing events include a Family Fun Day, a pet parade, a float parade, a sand sculpture competition, a Little Miss and Master Pageant, a rope coiling competition and art and craft activities.

G-Fest was designed as a cutting edge, contemporary fringe-type festival which commenced in 2011. The creator of the festival, Raina Savage, established the festival to be progressive and inclusive of the gay and lesbian community in the Midwest Region.

In 2014, a decision was reached to reduce event delivery costs by co-delivering the two separate events simultaneously under the one banner of Festivals on the Foreshore. It was believed that key infrastructure costs such as lighting towers, generators, portable toilets and traffic management would be reduced by both events occurring as one larger scale event and sharing these resources and costs. Furthermore, it was felt at the time, that the Sunshine Festival component of Festivals on the Foreshore could offer activities for children and families by day and that the G-Fest component of Festivals on the Foreshore could offer activities for adults by night. Overall, it was believed that Festivals on the Foreshore would become the City of Greater Geraldton's iconic event and would attract significant numbers of visitors and economic development opportunities from outside of Geraldton into Geraldton.

The past three years of delivering Festivals on the Foreshore has proved challenging for the Events Team and it is not achieving the objectives of a signature event. Festivals on the Foreshore is not attracting significant numbers of visitors from outside of Geraldton nor has it become iconic to the City.

Separately, in 2015 Funtavia commenced. Geraldton is the first regional location in WA to join the Fringe World program and coordinate the delivery of Fringe World content in Geraldton - under the banner of the name 'Funtavia' (a play on the word 'Batavia'). Funtavia has proved immensely popular with the Geraldton community and is meeting the cultural needs of those community members who value fringe content - a gap once filled by G-Fest.

This content includes fringe comedy shows, cabaret and burlesque and also a substantial portion of locally produced content. The extent to which Funtavia is able to produce and promote the export of locally produced content has been reflected by one show 'Fat Girls in Bike Shorts', which was produced locally, now touring on the national Fringe Circuit and creating significant publicity and recognition for Geraldton as a producer of fringe content.

The Community and Cultural Development Team recommend ceasing the delivery of Festivals on the Foreshore and pursuing three event arms moving forward:

1. Encourage the Sunshine Festival Committee to develop a business case outlining how they can continue to deliver the Sunshine Festival - autonomously to the City of Greater Geraldton - moving forward through the provision of a service agreement with funding of up to \$20,000 per year. Each years' funding would be dependent on the delivery of the previous years' service agreements of Council's budget deliberation;
2. Encourage Funtavia to develop a business case outlining how they can continue to deliver fringe content and scale up Funtavia moving forward through the provision of a service agreement with funding of up to \$20,000 per year. Each years' funding would be dependent on Funtavia delivering on previous years' service agreements of Council budget deliberation; and
3. Establish a new signature event which is iconic to Geraldton and utilises our natural elements; the Wind on Water Festival (WoW Fest) with the remaining funds. The purpose of the Wow Fest will be to capitalise on the features that make Geraldton unique and attractive to tourists and community members alike; namely, the wind and water. The event will aim to attract significant visitation from outside of Geraldton. The WOW Festival Business Plan is attached as Attachment No. DCS327A.

The Coordinator Events and Venues has estimated that the attendance at the WoW Fest will be approximately 10,200 people in its' first year, including 8,000 local attendees, 2,000 intrastate and 200 interstate. The attached Impact Report as Attachment No. DCS327B reflects a total economic impact of \$348,938 to the local economy if, in the first year, these numbers were achieved.

A number of the key components proposed to be explored are as follows:

**Events within WoW Fest**

- Geraldton to Abrolhos Yacht Race (2020)
  - Seafood Cheffing
  - Beachside concert with a headline act
  - Kite flying Festival
  - Kinetic Sculptures
  - On Off Fishing Comp
-

- Biggest Crayfish Comp
- Yacht and Power Boat Regatta
- Dry Boat Race
- Night at the Museum
- Parasailing
- Paragliding

These aforementioned activities within the proposed Wind on Water Festival need to be scoped out in further detail and consultation needs to occur with key stakeholders in order to determine precise costings and buy-in from relevant stakeholders such as the Geraldton Yacht Club, the Geraldton Fishermen's Co-operative and the Windsurfing WA.

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

### **Economic:**

In order to provide seed funding for the WoW Fest in its inaugural year, the City proposes to seek funding from the Building Better Regions Fund Community Investment Stream. This stream is intended for new or expanding local events in regional Australia. The minimum grant amount is \$5,000 and the maximum amount is \$10 million although the funding body has advised that the average grant amount will be under \$100,000. Projects must commence within 12 months of receiving the grant and be used prior to December 2019.

The City is seeking to apply for \$80,000 funding from the above grant stream to establish the WoW Fest. The funding will complement the funding from the City of Greater Geraldton already allocated to Signature Events. A ratio of 1:1 is required for the grant funding in terms of cash co-contribution.

### **Social:**

The event is open to the broader community. It will provide opportunities to try new sports / cooking / arts. The event celebrates the natural elements of Geraldton and promotes a healthy lifestyle.

Combining sport, environment and the arts, WoW Fest will be giving local and national groups the opportunity to work together.

### **Environmental:**

The City will work with Environmental agencies to determine whether any environmental impacts will need to be taken into consideration.

### **Cultural & Heritage:**

The Wind on Water Event will celebrate the natural assets of Geraldton. The event will work with a cross section of local organisations.

## **RELEVANT PRECEDENTS:**

The author is not aware of any other relevant precedents.

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**COMMUNITY/COUNCILLOR CONSULTATION:**

The Coordinator Events and Venues has consulted with a number of stakeholders including holding a Festivals on the Foreshore debrief with ACDC who concurred that there were numerous challenges in the current event coordination format and that a new model of event delivery needed to emerge. Sunshine Festival have been invited to every Festival on the Foreshore meeting, but have not attended and did not attend the Festivals on the Foreshore debrief.

The Coordinator Events and Venues consulted with Rob Smallwood, Gavin Hirschman and Christian Watters approximately a month ago; all are very eager to support an event, which capitalises on Geraldton's wind as a feature. Kite West, Extreme Sports and Geraldton Airlines have all also indicated to the Coordinator their interest in a Kite Surfing competition of a national scale to be held in Geraldton. SUP (Stand Up Paddle boarding) companies in Geraldton have also expressed an interest in developing a notable SUP event in Geraldton.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The Festival will provide economic opportunities for people living in the Midwest including restaurant, café and hotel owners, by offering events that encourage the intrastate and interstate visitors to 'linger longer' and spend money in the town. The activities on offer will highlight the key attractions of Geraldton to local community members and visitors, including wind sport activities and water sport activities.

The event is estimated to attract 10,200 people in its' first year, including 8,000 local attendees, 2,000 intrastate and 200 interstate.

No additional resource allocation is required to list for budget consideration the change to the signature events budget item to be allocated as follows:

\$30,000 to the Mullewa Muster Committee (as is already the case)

\$20,000 to the Sunshine Festival Committee (a new arrangement)

\$20,000 to Funtavia (a new agreement)

\$80,000 for the new signature event - WoW Fest.

The current signature events budget allocation is as follows:

\$30,000 to the Mullewa Muster Committee

\$80,000 to Festivals on the Foreshore

\$40,000 to G Fest

**INTEGRATED PLANNING LINKS:**

Title: Culture	Vibrant Arts & Culture
Strategy 1.1.2	Recognising, protecting and integrating the use of City Region icons
Strategy 1.3.1	Fostering and facilitating art in all its forms

Strategy 1.3.3	Fostering and facilitating community arts and cultural events
Title: Social	Recreation, Sport and Youth
Strategy 3.1.1	Supporting the strong sporting culture that has shaped Greater Geraldton's identity and lifestyle
Strategy 3.2.1	Offering young people more opportunities for education, recreation and participation in their community
Strategy 3.5.3	Promoting healthy life style initiatives and living standards
Strategy 3.5.4	Supporting volunteering to ensure sustainable levels of participation
Title: Economy	Lifestyle, Vibrancy and Employment
Strategy 4.1.3	Revitalising the CBD through economic , social and cultural vibrancy
Strategy 4.1.5	Developing and promoting Greater Geraldton as a preferred cultural, environmental and agri/aquaculture tourism destination
Strategy 4.3.2	Encouraging the development of a variety of industries that will offer diverse employment opportunities
Strategy 4.3.4	Supporting economic development initiatives and promotion of the region

#### **REGIONAL OUTCOMES:**

The Wind on Water Festival will capitalise on the characteristics which attract people to Geraldton and which residents of the Midwest value the most, including the wind and water sport activities. The Festival aims to attract wind-related and water-related sports enthusiasts to the region and to encourage participation by local enthusiasts in wind and water related activities.

The Festival will benefit the region by placing Geraldton on the map as Australia's wind on water capital and thus will create economic, cultural and social opportunities for people living in the region. Furthermore, the festival will promote community participation and volunteerism.

#### **RISK MANAGEMENT:**

There is a risk that there will be a negative community backlash to the removal of Festivals on the Foreshore as this event is well attended by Geraldton community members. This will be counteracted by the financial support offered to Geraldton Greenough Sunshine Festival through the provision of \$20,000 in a service agreement, which will enable the Geraldton Greenough Sunshine Festival Committee to continue to provide the Sunshine Festival. Meanwhile, the fringe activities from Festivals on the Foreshore can be provided at a much larger scale through a service agreement of \$20,000 to Funtavia.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:**

The following options were considered by City Officers:

To continue to deliver Festivals on the Foreshore as the signature event for Geraldton, in collaboration with various community partners including ACDC and Sunshine Festival Committee. This, however, is not currently deemed to bring significant numbers of visitors to Geraldton and the festival itself does not have any components, which are unique or iconic to Geraldton.

## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS251 RATES EXEMPTION – MURCHISON REGION ABORIGINAL CORPORATION
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<b>AGENDA REFERENCE:</b>	<b>D-17-23626</b>
<b>AUTHOR:</b>	<b>S Russell, Senior Rates Coordinator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>5 April 2017</b>
<b>FILE REFERENCE:</b>	<b>RV/4/0003</b>
<b>ATTACHMENTS:</b>	<b>Yes (x5)</b> <b>A. Application Letter;</b> <b>B. List of Properties – Weekly Rentals;</b> <b>C. Operational Overview;</b> <b>D. Housing Eligibility; and</b> <b>E. Financial Report</b>

### EXECUTIVE SUMMARY:

Murchison Region Aboriginal Corporation have submitted 59 applications for rates exemption to Council for the properties listed on the attached list to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the *Local Government Act 1995* ("LGA") (being land used exclusively for charitable purposes) and therefore exempt from paying rates.

### EXECUTIVE RECOMMENDATION;

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

1. DECLINE a rates exemption request for Murchison Region Aboriginal Corporation on the 59 properties listed in a separate attachment on the basis that the properties are not being used exclusively for a charitable purpose.

### PROPONENT:

The proponent is Murchison Region Aboriginal Corporation.

### BACKGROUND:

The City has received 59 applications for rates exemption under Section 6.26(2)(g) of the Local Government Act being land used exclusively for charitable purposes. All properties are freehold tenure in the name of Murchison Region Aboriginal Corporation (MRAC). All except one of the houses have current leases under the MRAC Housing Eligibility policy dated 15/11/2016. The one vacant property has been allocated to a prospective tenant but has not yet had a tenancy agreement signed.

Under this policy MRAC offer long-term housing to eligible applicants in the order that their application is approved and then added to the waiting list. It does not offer emergency or, priority housing and does not rank housing applications according to need. Applicants must be either Aboriginal, Torres

Strait Islander or have a partner who is, or have custody of Aboriginal children.

MRAC cannot offer housing to applicants with complex needs including those who are homeless, challenging mental health diagnoses, and/or serious drug and alcohol issues, also women and children escaping family violence unless there is a documented support network and case management plan in place and the applicant has waited their turn on the waiting list.

MRAC will only offer housing to people with disabilities if the house meets the needs of the person and cannot undertake disability modifications, but may allow modifications to be undertaken provided this funding is from another organisation.

Rent is charged on either a percentage of market rent basis or on a cost recovery basis and any money generated through rental revenue is reinvested in upgrading its properties or purchasing additional housing stock. Current rents range from \$160.00 to \$310.00 per week. Research indicates these rents to be in line with rent charged for public housing and the private sector.

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

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

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

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

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

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

Currently none of the properties land uses are defined as a charitable purpose under the Charitable Uses Act 1601 and the House of Lords case of 1891

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which define charitable purpose to include relief of the aged, impotent and poor, the advancement of education and religion and other purposes of benefit to the community. These were relied upon in Supreme Court cases requiring a definition of charitable purposes.

On the basis of this, it has been evaluated that these properties have not met the requirements of Section 6.26(2)(g) of the Local Government Act as land used exclusively for a charitable purpose. It is considered that the provision of social housing for residential use to people on low to middle incomes on the MRAC waiting list is not considered a charitable purpose nor beneficial to the public. In addition, the accommodation is available to a small proportion of the community and not for the benefit of the whole community.

Mere ownership of land by a charitable organisation does not in itself bring that land within the scope of section 6.26(2)(g). It is only where the land is used for a charitable purpose that the sub-section applies. The use of the land and not the charitable nature of the organisation determines whether land is declared to be non-rateable.

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

##### **Economic:**

There are no economic impacts.

##### **Social:**

There are no social impacts.

##### **Environmental:**

There are no environmental impacts.

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

There are no cultural or heritage impacts.

#### **RELEVANT PRECEDENTS:**

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

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

The types of community housing provided was grouped into three categories being Crisis Accommodation, Disability Housing and Other Housing. It was considered crisis accommodation and disability housing should be rate exempt. However, given that people on low to moderate incomes who own their own homes are required to pay rates, it would be unfair that Community

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Housing provided to people in similar financial circumstances should be exempted from being rated. For equity and fairness it is considered these properties were not used for a charitable purpose and should be rated.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Section 6.26(1) of the WA Local Government Act states:

*“Except as provided in this section all land within a district is rateable land”*

This establishes the general principle that all land is rateable unless specifically exempted.

Section 6.26(2) sets out a number of land uses that are not rateable including religious and educational uses. Paragraph (g) provides that the following land is not rateable land:

*“land used exclusively for charitable purposes”*

The act does not define the terms “charitable purposes” or “exclusively”. Thus, it is for individual councils to interpret and apply the legislation having regard to applicable case law and any legal advice they may have obtained.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The value of the rates on the total properties for the 2016/2017 financial year, is estimated to be \$79,998.43

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

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

**ALTERNATIVE OPTIONS CONSIDERED**

All the properties were considered for a rates exemption, however due to the principle that it is ‘land use’, not the claimant that is being assessed, it was determined that the use for each of these properties is not defined as use for “charitable purposes”.

<b>CCS252 STATEMENT OF FINANCIAL ACTIVITY TO 31 MARCH 2017</b>
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<b>AGENDA REFERENCE:</b>	<b>D-17-24209</b>
<b>AUTHOR:</b>	<b>A van der Weij, Financial Accountant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>10 April 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-05</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>A. Monthly Management Report March 2017</b>

**EXECUTIVE SUMMARY:**

The attached financial reports provide a comprehensive report on the City's finances to 31 March 2017. The statements in this report include no matters of variance considered to be of concern.

**EXECUTIVE RECOMMENDATION;**

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

1. RECEIVE the 31 March 2017 monthly financial activity statements as attached.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

Operating Income	\$930,420	1.4%	Positive Variance
Operating Expenditure	\$1,376,445	2.4%	Positive Variance
Net Operating	\$2,306,866		
Capital Expenditure	\$2,619,939	8.5%	Positive Variance
Capital Revenue	\$4,170	0.0%	Variance
Cash at Bank – Municipal	\$29,654,142		
Cash at Bank – Reserve	\$10,469,759		
Total Funds Invested	\$35,117,124		
Net Rates Collected	95.26%		



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

The financial position represented in the March financials shows a positive variance of \$2,306,866 in the net operating result.

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

#### **Economic:**

There are no economic impacts.

#### **Social:**

There are no social impacts.

#### **Environmental:**

There are no environmental impacts.

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

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

Council is provided with financial reports each month.

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

There has been no community/councillor consultation.

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

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

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

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

### **INTEGRATED PLANNING LINKS:**

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

### **REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

### **RISK MANAGEMENT**

There are no risks to be considered.

### **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options to consider.

### 13 REPORTS OF INFRASTRUCTURE SERVICES

IS144	APPOINTMENT OF THE HMAS SYDNEY II MEMORIAL WARDEN AND SUB-WARDEN
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<b>AGENDA REFERENCE:</b>	<b>D-17-24305</b>
<b>AUTHOR:</b>	<b>D Emery, Manager Sport &amp; Leisure</b>
<b>EXECUTIVE:</b>	<b>R McKim, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>4 April 2017</b>
<b>FILE REFERENCE:</b>	<b>ER/12/0001</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b> <b>A. HMAS Committee Meeting minutes</b>

#### EXECUTIVE SUMMARY:

This report seeks a Council approval on the appointment of the HMAS Sydney II Memorial Warden and Sub-Warden based on recommendations by the HMAS Sydney II Memorial Advisory Committee and in accordance HMAS Sydney II Conservation Framework.

#### EXECUTIVE RECOMMENDATION:

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

1. APPOINT Mr Don Rolston to the role of HMAS Sydney II Memorial Warden;
2. APPOINT Mr Steve Butler to the role of HMAS Sydney II Memorial Sub-Warden;
3. RESOLVE that both appointments commence immediately and cease on 19 November 2017; and
4. SET the role and responsibilities of the Warden and Sub-Warden as per the HMAS Sydney II Memorial Conservation Plan.

#### PROPONENT:

The proponent is the HMAS Sydney II Memorial Advisory Committee.

#### BACKGROUND:

At the Ordinary Meeting of Council on 27 August 2013, Council resolved to adopt the HMAS Sydney II Memorial Conservation Framework. One of the key recommendations of the Conservation Framework was that the City appoint a Warden. The Warden's role is confined to the commemorative space as defined in the Conservation Framework and is to offer the following support and advice to City staff;

- a. attend to all matters of customs, traditions and protocols for the overall conduct of commemorative ceremonies;
- b. consult with the City on any concerns regarding maintenance or any significant issues arising from daily care; and
- c. assist in determining approval for any requests from ex-service organisations wishing to honour the men of HMAS Sydney II.

The Conservation Framework allows for any number of Sub-Wardens to assist the Warden and the Advisory Committee recommends the appointment of one Sub-Warden. The role of the Sub-Warden is similarly confined to the commemorative space and in assisting the Warden in carrying out his/her duties as specified above.

The Conservation Framework recommends a 12-month appointment period for the Warden and Sub-Warden and that the handover occurs as part of the HMAS Sydney II Commemorative Service held annually on 19 November.

The Conservation Framework clearly articulates that the City retains primary responsibility for the overall care, control and management of the Mount Scott site and all areas of the Memorial including the commemorative space. Appointment of a Warden and Sub-Warden in no way negates or dilutes management control and responsibility

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

#### **Economic:**

The economic value of heritage tourism is recognised globally. The HMAS Sydney II Memorial attracts large numbers of visitors to our City. Therefore, it would stand to reason that there are positive economic outcomes from ensuring the Memorial is well managed and protected to ensure it remains a tourism icon for the City.

#### **Social:**

The HMAS Sydney II Memorial is a source of great pride in the community. There is strong level of community ownership and therefore interest. The Conservation Framework acknowledges the social value of the Memorial and includes avenues for continued community involvement, one such avenue being the appointment of a Warden and Sub-Warden.

#### **Environmental:**

There are no environmental impacts.

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

The Memorial is a significant heritage site with significant military reverence.

The Conservation Framework recommendation is for any proposed change should not unduly impact on the significance of the place and be in accordance with either a Conservation Plan or Heritage Impact Statement.'

### **RELEVANT PRECEDENTS:**

At the Ordinary Meeting of Council on 27 August 2013, Council resolved to adopt the HMAS Sydney II Memorial Conservation Framework.

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

The Conservation Framework recommends that the City consult with the Naval Association of Australia, Geraldton Sub Section and the Returned and

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Services League (RSL), both these organisations are represented on the HMAS Sydney II Memorial Advisory Committee.

Councillors B Hall, G Bylund and V Tanti (Proxy) are the Council representatives on the HMAS Sydney II Memorial Advisory Committee. Other key stakeholder organisations represented on this Committee are the Rotary Club of Geraldton and the Volunteer Tour Guide Association.

The appointments recommended to Council in this item have the unanimous support of the Committee.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Community Engagement
Strategy 5.1.2	Promoting community involvement in decision making so it is collaborative and transparent

**REGIONAL OUTCOMES:**

The HMAS Sydney II Memorial is recognised as a significant national asset. It attracts attention to the Mid West and Geraldton bringing tourism and associated benefits to the Region.

**RISK MANAGEMENT**

Not approving the appointment of the Warden and Sub-Warden as recommended by the HMAS Sydney II Memorial Advisory Committee carries a risk of alienating a group of individuals and organisations who volunteer their time, skills and expertise on the Committee. It would also be contrary to the Council adopted Conservation Framework and therefore carry a risk that the value of the entire Conservation Framework could be unjustified.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The Council could chose to appoint a different Warden and/or Sub-Warden or could chose not to appoint to these positions.

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

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

<b>AGENDA REFERENCE:</b>	<b>D-17-24441</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 April 2017</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-04</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>
	<b>A. Delegated Determinations and Subdivision Applications; and</b>
	<b>B. Confidential Report – List of Accounts Paid Under Delegation March 2017</b>

**EXECUTIVE SUMMARY:**

To receive the Reports of the City of Greater Geraldton.

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Development & Community Services:
    - i. DCSDD121 Delegated Determinations and Subdivision Applications

**PART B**

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

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS253 Confidential Report – List of Accounts Paid Under Delegation March 2017

**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.

**16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****17 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****18 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING****19 CONFIDENTIAL MATTERS**

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

*Livestreaming will be turned off.*

**20 CLOSURE**



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

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