



## ORDINARY MEETING OF COUNCIL

### AGENDA

26 MAY 2015

---

## TABLE OF CONTENTS

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>2</b>
<b>2</b>	<b>DECLARATION OF OPENING.....</b>	<b>2</b>
<b>3</b>	<b>ATTENDANCE.....</b>	<b>2</b>
<b>4</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>3</b>
<b>5</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>5</b>
<b>6</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>6</b>
<b>7</b>	<b>PETITIONS, DEPUTATIONS OR PRESENTATIONS.....</b>	<b>6</b>
<b>8</b>	<b>DECLARATIONS OF CONFLICTS OF INTEREST .....</b>	<b>6</b>
<b>9</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – AS CIRCULATED .....</b>	<b>6</b>
<b>10</b>	<b>ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION).....</b>	<b>7</b>
<b>11</b>	<b>REPORTS OF INFRASTRUCTURE SERVICES .....</b>	<b>9</b>
	<i>IS094 RFT 20 1415 – MULTI USER FACILITY &amp; YOUTH PRECINCT.....</i>	<i>9</i>
	<i>IS095 ADDITIONAL BOAT STORAGE AT THE MULTI USER FACILITY.....</i>	<i>13</i>
<b>12</b>	<b>REPORTS OF CORPORATE &amp; COMMERCIAL SERVICES .....</b>	<b>15</b>
	<i>CCS114 STATEMENT OF FINANCIAL ACTIVITY TO 30 APRIL 2015.....</i>	<i>15</i>
	<i>CCS115 RATES 2015-16 NOTICE OF INTENTION.....</i>	<i>17</i>
<b>13</b>	<b>REPORTS OF COMMUNITY SERVICES .....</b>	<b>22</b>
	<i>CS210 DRAFT PUBLIC ART STRATEGY.....</i>	<i>22</i>
<b>14</b>	<b>REPORTS OF OFFICE OF THE CEO.....</b>	<b>26</b>
	<i>CEO036 VOTING DELEGATES FOR THE 2015 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING .....</i>	<i>26</i>
<b>15</b>	<b>REPORTS OF DEVELOPMENT AND REGULATORY SERVICES .....</b>	<b>29</b>
	<i>DRS214 BATAVIA COAST MARINA STAGE 2 - MEMORANDUM OF AGREEMENT REQUEST FOR VARIATION.....</i>	<i>29</i>
<b>16</b>	<b>REPORTS TO BE RECEIVED.....</b>	<b>33</b>
	<i>REPORTS TO BE RECEIVED.....</i>	<i>33</i>
<b>17</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>35</b>
<b>18</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>35</b>
<b>19</b>	<b>URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING .....</b>	<b>35</b>
<b>20</b>	<b>CLOSURE .....</b>	<b>35</b>

**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD ON TUESDAY, 26 MAY 2015 AT 5.30PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**A G E N D A**

**DISCLAIMER:**

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

**1 ACKNOWLEDGEMENT OF COUNTRY**

I would like to 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 the Yamaji people'.

**2 DECLARATION OF OPENING**

**3 ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Cr R Hall

Cr D Caudwell

---

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

**Sean Hickey – PO Box 2966, Geraldton WA 6530**

Question

How can a concrete pathway newly laid through the dunes, adjacent to what is said to be a very unstable frontal dune at Sunset Beach be a mandatory need?

Or the much shorter one over the dune at Back Beach to the View Tower/ monument?

And where is the budget that deals with the many issues with our coastal zone, to name a few?

Response

The recent Community Summit only addressed the Operating budget, looking only at operational expense programs, and did not examine Capital expenditure programs.

The distinction between 'mandatory' and 'non-mandatory' operating programs is based on statutory obligations, the broader obligation covering community safety, and risk management considerations.

In relation to existing assets, such as paths that are in public use, at operational level they must be maintained to be safe and fit for use, and maintenance expenses are incurred as and when necessary for that purpose.

Hence, for maintenance of existing assets in public use, incurring maintenance expenses in the operations budget is mandatory.

Separate from the Operations budget, the Capital program is developed based on the extensive work undertaken by the Community Panel last year, which recommended to Council a substantial list of capital projects, and their relative priorities. The capital works program is developed based on subsequent examination of known and emerging needs, the requirements for renewal of existing assets, and deliberation on relative priorities for any capital projects for new infrastructure of facilities, by the Council, having regard to availability of funds.

In relation to coastal zone matters, budget allocations are made each year via either the annual operations budget, or the capital budget, as deemed appropriate by the Council.

Question

The ongoing clearing of dunes at private properties along Glendenning road - the last one around 6 months ago with no apparent remedial work similar to previous clearings in the last few years?

Response

On 2 October 2014, in response to a complaint raised, the City investigated the removal of vegetation from the coastal dune adjacent to 2 properties on Glendenning Road. Subsequently the owner of the adjoining land was notified of the necessity to stabilise the site in the first instance and then revegetate.

Question

The removal of millions of tonnes of dune adjacent to the frontal dunes at Southgate's, what is the environmental consequence to our immediate beaches?

Response

A valid extractive industry approval is in place for the removal of lime sand from the northeast face of the Southgate Dune System. The City is of the opinion that the mining of lime sand from this portion of the dune system has no environmental consequences to our immediate beaches and slows the progress of the dune onto adjoining land.

Question

The absolute mess caused at St Georges Beach where secondary and tertiary assets (grass and carparks) have consumed masses of money attempting to lay a concrete barrage now Sunken?

Response

St Georges Beach works were undertaken as a temporary measure to slow the migration of erosion into the adjacent park and associated infrastructure. This measure was taken while awaiting the outcome of the Beresford Foreshore Protection and Enhancement study. The study's final report is only now being prepared and is due for presentation to the Ministerial Working Party early in June 2015. It is nevertheless recognised that while serving its initial purpose of slowing the migration of erosion additional works are now required if the park and infrastructure are to be retained. A report will be prepared for Council consideration through the June cycle of meetings. The majority of residents attending a site meeting on the 17<sup>th</sup> June 2015 showed support for retaining the park. A comprehensive study will be required to determine a satisfactory solution to the issues of coastal management at Bluff Point and adjacent coast line. In the meantime further interim works will be undertaken to protect the infrastructure in the short term.

**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.*

**Max Correy – 52 Bayview Street, Geraldton**Question

Has the Verita Road/Abraham Street bridge contract been let yet and if so was it let to the lowest conforming tenderer?

Question

At a Council Meeting some 12 months ago Mr Davis advised Council (as a result of a question from ratepayer) that the Olive Street development would turn a profit of \$5,000,000 which would in turn help fund the projected sporting complex at Wandina, What is the current situation?

- (A) Has the Olive Street project commenced?
- (B) If not – is it ever likely to commence?
- (C) What has the project cost to date?
- (D) How was the expenditure funded?

Question

Why is it that every other entity from individual households to small and larger businesses to companies to State and Federal Governments are all reacting to the deteriorating economic situation by cutting budget expenditure way below last year's figures and yet the City of Greater Geraldton continue and expect ratepayers to pay an even higher rate this year when property values have dropped dramatically over the past 3 years. When are Council going to treat their ratepayers with fairness and reduce rates to allow the economy to pick up again?

Question

What percentage of the 2014/15 rates have been collected as of 30/4/15?

*Responses will be provided at the Meeting.*

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

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>
Cr B Hall	23 March 2015	7 June 2015
C D Caudwell	15 May 2015	21 June 2015
Cr N McIlwaine	2 July 2015	10 July 2015
Cr S Douglas	19 August 2015	21 September 2015

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS****8 DECLARATIONS OF CONFLICTS OF INTEREST**

Cr S Douglas – Declared an Impartiality Interest in item DRS214 - Batavia Coast Marina Stage 2 - Memorandum of Agreement Request For Variation as he is employed by the Mid West Development Commission.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 April 2015, as previously circulated, be adopted as a true and correct record of proceedings.

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
29 April 2015	ABC Radio Interview – Outcomes of Council Meeting	Mayor Ian Carpenter
29 April 2015	RCA Financials – Pre Meeting	Mayor Ian Carpenter
29 April 2015	Business & Regional Leaders Meeting	Mayor Ian Carpenter
29 April 2015	Dinner to the Hon. Malcolm Turnbull	Mayor Ian Carpenter
30 April 2015	Official Opening of the Morawa Town Square and Freight Road	Mayor Ian Carpenter
1 May 2015	Grants Commission Hearing – Regional Disabilities	Mayor Ian Carpenter
1 May 2015	Midnight Basketball	Mayor Ian Carpenter
2 May 2015	Geraldton Surf Life Saving Club – Annual Seniors Dinner	Mayor Ian Carpenter
4 May 2015	Update on the Radioactive Storage project proposed by Gindalbie	Mayor Ian Carpenter
4 May 2015	City Centre Car Parking Forum	Mayor Ian Carpenter
4 May 2015	Regular Meeting with Local Members	Mayor Ian Carpenter
5 May 2015	Meeting with Johnny Nee – Regional General Manager – North Asia Tourism WA	Mayor Ian Carpenter
5 May 2015	Meeting with Grant Woodhams & Bruce Pollock – Round the Houses Car Event	Mayor Ian Carpenter
5 May 2015	Concept Forum	Mayor Ian Carpenter
6 May 2015	GWN Interview – Geothermal System – Aquarena	Mayor Ian Carpenter
6 May 2015	RCA – Discussion on Finances	Mayor Ian Carpenter
7 May 2015	Launch of the Geraldton Data Centre Records & Archive Management Centre	Mayor Ian Carpenter
8 May 2015	Meeting with OCEARCH – Global Shark Research Vessel	Mayor Ian Carpenter
11 May 2015	LEMC Discussion - DFES , Chapman Valley, Northampton & CGG	Mayor Ian Carpenter
14 May 2015	RCA Strategic Planning Day	Mayor Ian Carpenter
15 May 2015	Regional Emergency Management Course Completion Presentations	Deputy Mayor Neil McIlwaine
19 May 2015	Spirit FM Interview – Council Update	Mayor Ian Carpenter
19 May 2015	Agenda Forum	Mayor Ian Carpenter
20 May 2015	Community Grants – Celebration and Certificate Presentations	Mayor Ian Carpenter
21 May 2015	LEMC Meeting	Mayor Ian Carpenter



---

22 May 2015	Citizenship Ceremony	Mayor Ian Carpenter
26 May 2015	Announcement by Hon. Terry Redman – Wonthella Oval	Mayor Ian Carpenter
26 May 2015	Announcement by Hon. Terry Redman – St Francis Xavier Cathedral	Mayor Ian Carpenter
26 May 2015	Lunch with Hon. Terry Redman	Mayor Ian Carpenter
26 May 2015	Mid West Investment Plan - Board Meeting	Mayor Ian Carpenter
26 May 2015	Ordinary Meeting of Council	Mayor Ian Carpenter

## 11 REPORTS OF INFRASTRUCTURE SERVICES

IS094 RFT 20 1415 – MULTI USER FACILITY & YOUTH PRECINCT	
--	--

<b>AGENDA REFERENCE:</b>	<b>D-15-27024</b>
<b>AUTHOR:</b>	<b>G Sherlock, Manager Project Design &amp; Delivery</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>7 May 2015</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0030</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3 Confidential)</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award all separable portions of RFT 20 1415 Construction of The Multi User Facility and Youth Precinct to the preferred tenderer.

### EXECUTIVE RECOMMENDATION;

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

1. AWARD RFT 20 1415 Construction of the Multi User Facility & Youth Precinct to the preferred tenderer in accordance with the approved design;
2. RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct in the minutes; and
3. COMMIT to providing an additional \$1,696,742 in funding to undertake all separable portions of the proposed works.

### PROPONENT:

The proponent is the City of Greater Geraldton

### BACKGROUND:

The Redevelopment of the Geraldton Foreshore commenced in the early 2,000's with the aim of turning an industrial brownfield site, with a rail line and fence separating the ocean from the CBD, into a landscaped public area making the most of the beachfront. Phase One has been completed and has become a highly valued community asset. Phase two is currently underway. This consists of four separate, yet interconnected elements;

1. The Esplanade/Eastern Breakwater (Completed)
2. Original Railway Station Refurbishment (Completed)
3. The Multi User Facility
4. The Youth Precinct

The RFT was advertised in the local (Geraldton Guardian) and state press (West Australian) on Friday 13 February 2015 and Saturday 14 February 2015 respectively and also for 4 weeks through the WALGA e- tendering

portal. 51 suppliers registered to receive copies of the tender, 6 submissions were received, and of the 6 received one was non-compliant.

The RFT closing date was 1.00PM Friday 13 March 2015.

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

#### **Economic:**

The project will create a new Multi User Facility & Youth precinct to house various stakeholders together with an open stage area and public open space for small to large events. The proposed facilities will also help to promote local tourism.

#### **Social:**

This project will be the connection of the West End Projects and will be purpose built to cater for the needs and requirement of the current stakeholders occupying the immediate area. The stage area will be the main event space for small and large gatherings.

The Youth Precinct will have various items of play equipment and social gathering spaces to cater for young people between the ages of 10-17.

#### **Environmental:**

There are no known environmental impacts.

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

There are no known cultural or heritage impacts as the Railway Building Project including The Merry Go Round refurbishment have been completed. The Merry Go Round now occupies its original location as a fixed structure.

### **RELEVANT PRECEDENTS:**

There are no known precedents.

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

There has been considerable community engagement on this project. All primary stakeholders (TS Morrow, Geraldton & Districts Offshore Fishing Club, and the youth of Geraldton) have been engaged on 3 separate occasions and all primary stakeholders fully support the project.

Secondary stakeholders (Geraldton Angling Club, Geraldton Senior College, Geraldton Yacht Club and Events Committees & Groups) have been engaged on 1-2 separate occasions (depending on availability). All groups support the project.

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

There are no legislative or policy implications.

---

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Additional funding will need to be provided over and above the existing budget to complete all separable portions of the project.

The respective funding contributions associated with the original budget estimate are as follows:

***Multi User Facility***

<b>Funding Provider</b>	<b>Amount</b>
Regional Development Australia (RDAF)	\$3,170,000
City of Greater Geraldton	\$1,080,000
<b>Total</b>	<b>\$4,250,000</b>

***Event Space***

<b>Funding Provider</b>	<b>Amount</b>
Lotterywest	\$500,000
<b>Total</b>	<b>\$500,000</b>

***Youth Precinct***

<b>Funding Provider</b>	<b>Amount</b>
Lotterywest	\$500,000
Regional Development Australia (RDAF)	\$1,000,000
City of Greater Geraldton	\$440,000
<b>Total</b>	<b>\$1,940,000</b>

**Total Project Budget****\$6,690,000****INTEGRATED PLANNING LINKS:**

Title: Economy	Lifestyle and Vibrancy
Strategy 4.1.3	Revitalising the CBD through economic, social and culture vibrancy

**REGIONAL OUTCOMES:**

The completion of the project in its current form would see a positive impact on the region with additional attractions and facilities being provided for tourists, sporting groups and the youth.

**RISK MANAGEMENT**

1. Should the tender not be awarded at this time there is a risk of not meeting funding milestones and losing all or a portion of the allocated funding.
2. There is a risk of the tender period expiring
3. There is a risk that in trying to accommodate the project within the current budget it would compromise on the need and requirements of the stakeholders and the community and would not provide a facility that is commensurate with the high quality of other elements constructed on the Foreshore.

**ALTERNATIVE OPTIONS CONSIDERED**

1. AWARD RFT 20 1415 separable portions 1, 2, part of 3 and 5 (Skywalk Frame) only and consider funding the balance of the Youth Precinct in the 2016/17 budget.
2. RECORD the tender amount for RFT 20 1415 Construction of the Multi User Facility & Youth Precinct separable portions 1, 2, part of 3 and 5 in the minutes.
3. COMMIT to providing an additional \$967,151.9 funding in the 2015/16 budget.

This recommendation reduces the additional budget required by \$729,590.40. The project is programmed to run for 52 weeks and would be completed early in the 2016/17 financial year.

<b>IS095 ADDITIONAL BOAT STORAGE AT THE MULTI USER FACILITY</b>	
---	--

<b>AGENDA REFERENCE:</b>	<b>D-15-27029</b>
<b>AUTHOR:</b>	<b>G Sherlock, Manager Project Design &amp; Delivery</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>7 May 2015</b>
<b>FILE REFERENCE:</b>	<b>PM/4/0030</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council approval to not provide additional yacht storage as requested by the Geraldton Yacht Club for the storage of yachts over and above that provided in the approved design prepared by Christou Architects.

**EXECUTIVE RECOMMENDATION;**

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

1. DECLINE the request from the Geraldton Yacht Club for additional boat storage at the Multi User Facility and proceeds with the existing design for boat storage at the facility; and
2. ADVISE the Geraldton Yacht Club of the decision.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Representatives from the Yacht Club spoke with members of the PLT on 27 February 2015 to raise their concerns about what they feel is a lack of adequate yacht storage spaces at the proposed Multi User Facility. As a result of this meeting the City along with its Architects (CHRISTOU) developed options to increase boat storage facilities in the area.

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

The Geraldton Yacht Club will need to secure additional accommodation to meet its needs.

**Social:**

There are no known social implications.

**Environmental:**

There are no known environmental impacts.

**Cultural & Heritage:**

There are no known cultural or heritage implications.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Discussions were held between representatives from the Yacht Club and PLT on 27th February 2015.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial and resource implications for the MUF & Youth Precinct.

**INTEGRATED PLANNING LINKS:**

Title: Economy	Lifestyle and Vibrancy
Strategy 4.1.3	Revitalising the CBD through economic, social and culture vibrancy

**REGIONAL OUTCOMES:**

There are no regional implications

**RISK MANAGEMENT**

There is a risk that the new storage space provided at the Multi User Facility will not be sufficient to cope with the future growth of its users.

**ALTERNATIVE OPTIONS CONSIDERED**

Two additional options were considered, these were:

1. Provide additional storage space at the rear of the proposed Multi User Facility.
2. Provide a new storage area opposite the Port Authority Building in the City's boat parking area.

Both options were discounted by the Project Leadership Team as there would be an additional cost to the City and the facilities that would have been provided would be predominantly for a single user.

## 12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS114	STATEMENT OF FINANCIAL ACTIVITY TO 30 APRIL 2015
--------	--

<b>AGENDA REFERENCE:</b>	<b>D-15-26415</b>
<b>AUTHOR:</b>	<b>A Van der Weij, Financial Accountant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Corporate and Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>8 May 2015</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 30 April 2015. 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 April 2015 monthly financial activity statements as attached.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

The financial position at the end of April 2015 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

Operating Income	\$ 225,967	0.3%	Positive Variance
Operating Expenditure	\$2,000,756	3.2%	Positive Variance
Net Operating	\$2,226,723		
Capital Expenditure	\$4,070,317	12.4%	Positive Variance
Capital Revenue	\$90,932	1.1%	Positive Variance
Cash at Bank - Municipal	\$2,727,725		
Cash at Bank – Reserve	\$17,062,623		
Total Funds Invested	\$17,062,623		
Net Rates Collected	97.39%		
Receivables Outstanding	\$1,890,335		



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 April financials shows a positive variance of \$2,226,723 in the net operating result.

The closing funding surplus is due to year to date 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.

**CCS115 RATES 2015-16 NOTICE OF INTENTION**

<b>AGENDA REFERENCE:</b>	<b>D-15-28038</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Finance &amp; Treasury</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>8 May 2015</b>
<b>FILE REFERENCE:</b>	<b>FM/6/0020</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

This report seeks Council endorsement to give public notice of its intention to impose proposed differential rates and minimum payments for the 2015-16 financial years. Rates and minimum payments form part of the annual budget.

The proposed rates-in-the-dollar and minimum payments are based on proposed savings of \$4.3m (via an organisational restructure plus changes to the City range and level of services) in 2015-16 and a Long Term Financial Plan aggregate rates revenue increase of 3.9% (plus growth in rateable property numbers) per annum.

The City's current adopted LTFP incorporates a 5.2% increase (plus growth) in aggregate rates revenue. In response to community sentiment to reduce annual rate increases to a level under the existing 5.2% provision in the LTFP, the proposed rates in the dollar for 2015-16 reflect various movements to achieve a 3.9% increase in aggregate rates revenue, plus growth.

From date of Council giving local public notice of intention to impose rates and minimum payments, electors and ratepayers have 21 days to present submissions in respect of the proposed rates and minimum payments and any related matters. Council is required to consider any submissions received from electors and ratepayers before imposing the proposed rate or minimum payment, with or without modification.

Council may resolve to impose rates or minimum payments different from those published in the local public notices, and if it does so, is obliged to publish the reasons for doing so, as part of its formally adopted budget.

This is particularly relevant due to 2014-15 being a property revaluation year (new valuations take effect from July 1 2015). At the time that this report was compiled the new GRV valuations had just been received from Landgate and uploaded into our rates system.

The proposed rates in the dollar and minimum payments reflect initial modelling based on the new property valuations. Computation of rates in the dollar is aimed to generate the target 3.9% increase in aggregate rates revenue above rates imposed for 2014-15, plus growth in the rateable property base.

**EXECUTIVE RECOMMENDATION;**

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

1. ENDORSE the proposed differential rates and minimum payments for the 2015-16 financial year as detailed in table 2 of this report, for the purposes of giving local public notice of intention to impose differential general rates and minimum payments for the 2015-16 financial year, and inviting submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under section 6.36 of the Local Government Act 1995.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The following tables detail the current 2014-15 and the proposed 2015-16 differential rates-in-the-dollar and minimum payments:

**Table 1: Current Differential General Rates & Minimum Payments (2014-15)**

Differential Rate Types	Rate-in-the-dollar (Cents)	Minimum Payments \$
CGG Residential	10.9371	\$1,010
Non-residential GRV	10.9385	\$1,010
UV Geraldton Rural Mining & Farming General	0.6794	\$1,010
UV Mullewa Rural Mining & Agriculture	0.7800	\$705
GRV Ex-Mullewa Shire District	10.9795	\$628

**Table 2: Proposed Differential General Rates & Minimum Payments (2015-16)**

Differential Rate Types	Rate-in-the-dollar (Cents)	Minimum Payments \$
CGG Residential	11.1208	\$1,010
Non-residential GRV	10.3359	\$1,010
UV Geraldton Rural Mining & Farming General	0.7032	\$1,010
UV Mullewa Rural Mining & Agriculture	0.7573	\$860
GRV Ex-Mullewa Shire District	11.1866	\$600

Initial modelling on the new valuation rolls for both GRV and UV indicate the following:

- CGG residential total GRV valuation increased by 2.6%;
- Mullewa GRV decreased by 6.64%;

- Non Residential total GRV valuation increased by 9.56%. Initial indications are that commercially zoned properties valuations have decreased in total while there has an increase in industrial zoned properties. The City is both still awaiting advice from Landgate on the reasons for these movements in valuations and in the early stages of analysing data that has been received;
- Geraldton UV total valuation has decreased by 1%; and
- Mullewa UV total valuation has increased by 0.4%.

To adhere to 50-50 property number rule re minimums and due to Mullewa GRV decreasing, the minimum payment has had to be reduced to \$600 in 2015-16.

Following the merger of Shire of Mullewa and City of Geraldton-Greenough to create the City of Greater Geraldton, under the Governor's Orders gazetted for the amalgamation, the City is obliged within 5 years of declaration of the new City to bring the rates across the previous local government districts into alignment.

This has required staged alignment of rates-in-the-dollar for alike differential rating categories, and ultimately requires phasing out of differential rating categories based on the ex-Mullewa district.

The proposed differential rates and minimum payments for 2015-16 gives consideration to this movement into alignment by 1 July 2016.

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

### **Economic:**

There are no adverse economic impacts from this proposal. Councils raise revenue from rates to deliver, maintain and renew as necessary, key economic and social infrastructure and services required to enable the local economy.

### **Social:**

There are no negative social impacts with this proposal. Separately, the City has in place a range of concessions and provisions to assist pensioners and persons experiencing financial hardship. Revenue from rates supports provision of social infrastructure required by the broader community.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

---

**RELEVANT PRECEDENTS:**

Each year, as noted under Legislative Implications below, Councils are required to give local public notice of intent to impose differential general rates and minimum payments. This is an annual statutory obligation.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Community summits held in March 2015 to review the City's non-mandatory services to reduce the level of annual operating expenditure on the premise to reduce annual rate increases.

Councillors have commenced interim discussions on the rating process as part of the April workshop that reviewed organisational restructure and range and level of services.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Statutory requirements for differential general rates and minimum payments are broadly set out in sections 6.31 through 6.36 of the Local Government Act 1995. As well, particular matters associated with those provisions of the Act are prescribed in the Local Government (Financial Management) Regulations.

Section 6.36 of the Local Government Act requires all Council's before imposing any differential general rates or minimum payments to give local public notice of intention to do so, and inviting submissions from electors and ratepayers.

Such notice may be published within a period of 2 months preceding the commencement of the new financial year (that is during May or June), and must provide at least 21 days for submissions.

The Act requires Councils to consider any submission received, before imposing differential general rates and minimum payments, and Councils may adopt the rates and minimum payments as published in local public notices, or may modify and adopt differential rates or minimum payments different from those published – in which event the Council must include the reasons for doing so, as part of its formal annual budget, when adopted.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The current estimate for 2015-16 based on 3.9% plus growth in aggregate rates revenue would levy around \$40.88m from differential general rates and minimum payments.

**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**

Associated risk would be a failure to comply with section 6.36 of the Local Government Act in relation to the requirements to give notice on the Council's intention to impose differential general rates and minimum payments for the forthcoming financial year. This report mitigates that risk.

**ALTERNATIVE OPTIONS CONSIDERED**

The proposed model of differential general rates and minimum payments gives consideration to both delivering infrastructure and services to the community in a financially sustainable and affordable manner and at the same time reducing the annual rate increase to below the current rate of 5.2% per annum (as per the City's currently adopted LTFP).

Alternative options and/or rate models may be developed and reviewed as part of Council's final budget deliberation process.

### 13 REPORTS OF COMMUNITY SERVICES

<b>CS210 DRAFT PUBLIC ART STRATEGY</b>	
--	--

<b>AGENDA REFERENCE:</b>	<b>D-15-26464</b>
<b>AUTHOR:</b>	<b>C Budhan, Manager Community &amp; Cultural Development</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director Community Services</b>
<b>DATE OF REPORT:</b>	<b>19 May 2015</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0015</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek a Council resolution on the draft Public Art Strategy.

**EXECUTIVE RECOMMENDATION;**

That Council by Simple Majority pursuant to Section 3.8 of the Local Government Act RESOLVES to:

1. ADVERTISE the draft Public Art Strategy for public comment for a period of 45 days; and
2. REQUIRE a further report to Council following the advertising period.

**PROponent:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The Strategic Community Plan (SCP), Creative Community Plan (CCP) and Council Policy 046 Art Development Fund Policy commit to public art and creative city place-making:

- SCP 1.3.1: Fostering and facilitating art in all its forms;
- SCP 4.1.3: Revitalising the CBD through economic, social and cultural vibrancy;
- CCP 2.5: Ensure that 0.5% of the budget of all Local Government infrastructure projects is allocated for artistic contribution to the design and/or appearance of developments;
- CCP 2.6: Ensure that 0.5% of the budget of all Local Government rate revenue is allocated to support the City's arts development policies; and
- CCP 2.13: Ensure that all the locations identified for arts and cultural precincts and spaces inform the development of master plans and place-making strategies.

Based on these recommendations the City, in consultation with the Public Arts Advisory Committee, identified the need to develop a more strategic approach

to the development of public art. To that end, the City commissioned a public art strategy with the objectives to:

- Define, promote and secure the delivery of high-quality public art and creative public place-making in Greater Geraldton;
- Identify in detail potential sites for public art and creative public place-making within Greater Geraldton;
- Inform the selection and guide the placement of public art in the West End cultural precinct;
- Outline the policies and philosophies for the provision of public art;
- Clarify the processes involved in the development of public artworks;
- Encourage new initiatives and opportunities for public art, both within and outside the development process;
- Encourage partnerships and community engagement in the development of public art projects;
- Inspire and give expression to the ideas of individuals and groups which reflect on life in Greater Geraldton;
- Promote the early integration of public art within both Council and private development proposals;
- Improve the management and maintenance of Greater Geraldton's existing and future public artworks; and
- Improve and promote access to public art information.

The resulting draft Public Art Strategy (PAS) was reviewed by the Public Arts Advisory Committee at its meetings held on 03 December 2014, 05 March 2015, and 23 March 2015. At the latter meeting, the Committee recommended that the draft PAS be presented to Council.

The draft PAS explores both a vision, and strategies to implement the vision, so the stories told through public art are relevant to Greater Geraldton and its people and culture. A rationale for public art, suggested locations within regional and city centre precincts, and strategies to assist the Geraldton community get the best value from its public artwork are accompanied by examples of how other artists have created similar works in similar regions.

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

### **Economic:**

The draft PAS addresses issues of prosperity through the exploration of economic opportunities provided by public art to regional artists, fabricators, suppliers and installers, as well as the role of public art in tourism. The guiding principles, key strategic priorities and underpinning strategies outlined in the draft PAS provide a model as to how the economic opportunities associated with public art can benefit the region and the people who live and work within it.



**Social:**

The draft PAS highlights the role of public art in social change by bringing communities together in conversation and creative inspiration. In addition, it explores Greater Geraldton's social history as a narrative.

**Environmental:**

The draft PAS details the role of public art in enhancing and complementing environments, in part through enhancing buildings and open spaces.

**Cultural & Heritage:**

The draft PAS is fundamentally a cultural initiative, and explores opportunities to use arts, culture and creativity to drive a broader agenda for growth and transformation of place. Moreover, it explores Greater Geraldton's heritage as a narrative, highlighting architectural heritage, former building use, and aspects of social history.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The draft PAS was developed in consultation with the Public Arts Advisory Committee as discussed above, as well as with community members and stakeholders, particularly in the cultural and visual arts sectors. The draft PAS provides a curatorial response to the findings from consultation, identifying narratives that reflect stories from the Greater Geraldton region. In addition, linkages to current City priorities and planning ensure the draft PAS works closely to develop a vision of Greater Geraldton consistent with community expectation and organisational direction.

The draft PAS was presented to Council at the Concept Forum on Tuesday, 5 May. Based on the discussion held at the Concept Forum and as a result the draft PAS will be revised to include a disclaimer indicating that implementation is subject to annual budget processes. This revision will be made prior to the advertising for public comment along with some minor formatting improvements such as numbering photos for ease of reference.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The draft PAS reviews policy context (page 4), including alignment with the National Planning Policy and relevant Council plans policies and strategies; and it makes recommendations for the review of Council Policy 046 Art Development Fund.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The draft PAS recommends a number of initiatives for progressing public art in Greater Geraldton, which are costed and prioritised for budgeting purposes. Subject to Council's adoption of the PAS, these initiatives will be presented to Council for consideration as part of annual budget processes.

Included in these recommended initiatives are three “Quick Wins” totalling \$65,000 (page 24), which may be considered by Council as part of the 2015/16 budget process:

1. Develop and implement a scaled back pilot programme of a similar nature to Bunbury's Six Two Three Zero (\$25,000);
2. Establish a budget and commission a youth interactive artwork within West End precinct, Geraldton (\$15,000 to \$20,000);
3. Develop and implement an inaugural art exhibition with a small series of prizes competition as part of a festival such as Mullewa Wildflower Festival 2016 (\$10,000); and
4. Provide a sum of money towards Mullewa Townscape Project: streetscape enhancement concept plan (\$10,000).

In addition, the draft PAS addresses issues of prosperity through the exploration of economic opportunities provided by public art to regional artists, fabricators, suppliers and installers, as well as the role of public art in tourism. The guiding principles, key strategic priorities and underpinning strategies provide a model as to how these economic opportunities can benefit the region and the people who live and work within it.

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

Title: Culture	The Arts
Strategy 1.3.1	Fostering and facilitating art in all its forms

#### **REGIONAL OUTCOMES:**

The draft PAS includes Mullewa as a key focus area, highlighting the Mullewa town site, and possible narratives and priorities for implementation.

#### **RISK MANAGEMENT**

The draft PAS is informed by: (1) comprehensive stakeholder consultation; (2) policy and strategic context; and (3) best practice. This enables it to serve a risk mitigation function, addressing the risks associated with progressing public art initiatives that do not align with community or stakeholder aspiration, policy and strategic context, and/or best practice. This will enable greater community and stakeholder support for future public art initiatives.

#### **ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

An alternative option would be to not progress the draft PAS for adoption. However, this is not the preferred option, as it would fail to provide strategic focus for future public art initiatives. This could result in public art initiatives that do not align with community or stakeholder aspiration, policy or strategic context, and/or best practice. Such initiatives would be unlikely to receive community and stakeholder support.

**14 REPORTS OF OFFICE OF THE CEO**

CEO036	VOTING DELEGATES FOR THE 2015 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING
--------	--

<b>AGENDA REFERENCE:</b>	<b>D-15-27955</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>14 May 2015</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to advise Council of the upcoming 2015 Western Australian Local Government Association (WALGA) Annual General Meeting and to seek approval to nominate voting delegates to attend the meeting on behalf of the City of Greater Geraldton.

Council Policy CP028 – Councillor Travel and Accommodation, restricts the attendance of Councillors at conferences if the conference is within three months of the end of their term in office. This policy only applies with respect to Councillors and does not apply to the position of Mayor. Accordingly, adherence to this policy would prevent the attendance of Councillors McIlwaine, Hall, Fiorenza, Clune, deTrafford, Thomas and Brick at the conference.

This conference includes the WALGA Annual General Meeting where matters that directly impact upon the management and operations of regional Local Governments are decided. For this reason I consider it appropriate that the City of Greater Geraldton be represented by the Mayor and Deputy Mayor as voting delegates - notwithstanding the provisions of Council Policy CP028.

**EXECUTIVE RECOMMENDATION;**

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

1. NOMINATE Mayor Ian Carpenter and Deputy Mayor Councillor Neil McIlwaine to represent the City of Greater Geraldton as voting delegates at the 2015 WALGA Annual General Meeting; and
2. NOMINATE Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ to represent the City of Greater Geraldton as proxy voting delegates at the 2015 WALGA Annual General Meeting.

**PROponent:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

The 2015 Annual General Meeting for the WALGA will be held on 5 August 2015. In order to exercise their voting entitlements, member Councils must register their voting delegates.

Only voting delegates or proxy registered delegates will be permitted to exercise voting entitlements. Voting Delegates may be Elected Members or serving officers of a member Council.

In 2014, the Council's voting delegates were Mayor Carpenter and Deputy Mayor Councillor Neil McIlwaine as Council's representatives on the Northern Zone Committee.

Council Policy CP028 – Councillor Travel and Accommodation, restricts the attendance of Councillors at conferences if the conference is within three months of the end of their term in office. This policy only applies with respect to Councillors and does not apply to the position of Mayor. Accordingly, adherence to this policy would prevent the attendance of Councillors McIlwaine, Hall, Fiorenza, Clune, de Trafford, Thomas and Brick at the conference.

As the conference will include debate, discussion, and decision making on matters that directly impact upon the management and operations of regional local governments, I consider it appropriate that Cr. McIlwaine attend as a voting delegate because of his role as Deputy Mayor and as a senior member of our Council.

**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:**

Each year two Councillors are appointed as delegates to the Annual General Meeting of WALGA.

**COMMUNITY/COUNCILLOR CONSULTATION:**

No community consultation is required; however, this report is presented to Councillors to appoint voting and proxy voting delegates.

---

**LEGISLATIVE/POLICY IMPLICATIONS:**

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two (2) voting delegates.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The approximate cost of the City's attendance at the 2015 WALGA Local Government Convention is \$1,500.00 travel and accommodation costs per delegate, plus the registration fee of \$1,475.00. There is no registration fee associated with attending the Annual General Meeting.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Advocacy and Partnerships
Strategy 5.3.1	Active participation in regional, state and national alliances such as the Western Australian Regional Capitals Alliance and Regional Capitals Australia.

**REGIONAL OUTCOMES:**

The WALGA Annual General Meeting is a good opportunity to represent the Greater Geraldton area and actively participate in state alliances.

**RISK MANAGEMENT**

If the City doesn't appoint delegates, the City will not have a voting entitlement at the Annual General Meeting.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The alternative option to recommend the Mayor and an alternate Councillor, other than the Deputy Mayor, was considered. This was discounted as it is the City Officers belief that the Mayor and Deputy Mayor are best placed to fill the role of voting delegates at the conference due to their senior roles and as Council's representatives on the Northern Zone Committee.

## 15 REPORTS OF DEVELOPMENT AND REGULATORY SERVICES

DRS214 BATAVIA COAST MARINA STAGE 2 - MEMORANDUM OF AGREEMENT REQUEST FOR VARIATION
---

<b>AGENDA REFERENCE:</b>	<b>D-15-26509</b>
<b>AUTHOR:</b>	<b>P Melling, Director Development &amp; Regulatory Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>8 May 2015</b>
<b>FILE REFERENCE:</b>	<b>LP/9/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>WA Land Authority (LandCorp)</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

### EXECUTIVE SUMMARY:

LandCorp has been engaged by the Mid West Development Commission to facilitate the Stage 2 development of the Batavia Coast Marina. The City of Greater Geraldton (CGG) is also a stakeholder in the area due the management of several reserve areas/ roads etc.

Batavia Coast Marina Stage 2 is governed under a framework established via an executed Memorandum of Agreement (MOA) between the parties. A clause in the agreement has implications for the project's land assembly process and a request has been made for a variation via the deletion of a clause in the MOA. Council's approval of the variation request is recommended.

### EXECUTIVE RECOMMENDATION;

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

1. AGREE to the deletion of Clause 7.8 Super Profit Share from the currently executed "Batavia Coast Marina Stage 2 Memorandum of Agreement (MOA)" between the Western Australian Land Authority (LandCorp), City of Greater Geraldton and Mid West Development Commission (MWDC);
2. DELEGATE authority to the Chief Executive Officer to negotiate with the other parties and make minor variations to the Memorandum of Agreement to secure a mutually agreed position if required; and
3. DELEGATE authority to the Chief Executive Office to sign the Memorandum of Agreement on behalf of the City of Greater Geraldton.

### PROPONENT:

The proponent is the Western Australian Land Authority (LandCorp).

**BACKGROUND:**

Council at its meeting on 13 April 2010 resolved:

*MOVED CR GABELISH, SECONDED CR ASHPLANT*

*That Council by Simple Majority pursuant to s3.18 of the Local Government Act 1995 (as amended) and the Land Administration Act 1997 Part 4 and Part 5 (58) RESOLVES to:*

1. *SUPPORT the draft Memorandum of Agreement between the City of Geraldton-Greenough, LandCorp and Midwest Development Commission to facilitate the planning and development of Batavia Coast Marina Stage Two;*
2. *SUPPORTS the amending of the Management Order for Reserve 42069 by excluding Lot 2907, Forrest Street Geraldton and its transfer to the W.A. Land Authority (LandCorp) to facilitate land assembly for Batavia Coast Marina Stage Two;*
3. *PURSUANT to Section 58 of the Land Administration Act 1997 (as amended) initiate by way of advertising the partial closure of portion of the Stella Maris Drive and Chapman Road road reserves to facilitate land assembly for Batavia Coast Marina Stage Two;*
4. *DELEGATE authority to the Chief Executive Officer to negotiate with the other parties and make minor variations to the Memorandum of Agreement to secure a mutually agreed position; and*
5. *DELEGATE authority to the Chief Executive Office to sign the Memorandum of Agreement on behalf of the City of Geraldton-Greenough.*

The purpose of the Memorandum of Agreement (MOA) for Batavia Coast Marina Stage Two is:

*This Memorandum of Agreement (MoA) outlines high level terms between LandCorp, MWDC and CGG in respect to development of the BCM2 project.*

*This MoA also outlines the commitment of the parties to bring the BCM2 project to reality in a timely manner and to achieve excellence in the project outcomes for the benefit of the Geraldton community and broader Mid West region.*

*Contributions of MWDC and CGG respective interests in landholdings to facilitate delivery of BCM2 as a LandCorp equity project are acknowledge. Moreover, allocation of \$3.86 million from the Royalties for Regions Mid West Investment Plan for remediation of BCM2 is also acknowledged.*

The agreement was finally executed in June 2013.

LandCorp have been progressing with a number of elements to facilitate development of Stage Two of the project, however have hit a technical problem with the MOA when they attempted to have all the respective land

---

parcels amalgamated via State Land Services. State Land Services have objected to the MOA provisions relating to Clause 7.8 Super Profit Share as contained in the attachment (see Attachment No. DRS214A). This variation has been requested to align the MOA with Cabinet's approval for the project in the context of Crown land being included to facilitate the overall development of the site. The consolidated site is to be transferred in freehold to LandCorp in due course however this cannot take place until this variation has been made.

The attached extract from the original Council item on 13 April 2010 noted that:

*"In the event that the project achieves super profits then they will be shared between LandCorp, MWDC, PTA and CGG proportionate to upfront contribution (land or project expenditure). The term 'super profit' means, using discounted cash flow methodology, if at the project completion the project discloses an internal rate of return greater than the discount rate of 25% per annum, and disclosing a net present value in excess of zero, the project has made a super profit.*

*Gaining a super profit is not a project objective and a quality project outcome is favoured over the delivery of super profits to project contributors."*

As the project has further progressed there are significant costs now quantified relating to legacy contamination issues and costs of service relocations etc., which are being borne by the project which mean that the chances of achieving a "super profit" are unlikely to be achieved. When these costs are coupled with the fact that "Super Profits were not (and are still not) a project objective" removal of the reference to Super Profits is recommended.

All other clauses of the MOA remain the same. This report has been prepared for Council's consideration as it is believed that the proposed variation is outside of the delegated authority given by Council in its April 2010 resolution.

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

### **Economic:**

The second stage of the Batavia Coast Marina project has the potential to make a significant difference to the City Centre as it will provide a further economic activity area that is seamlessly linking into the existing City Centre and Northgate Shopping Centre.

### **Social:**

Potentially, the social impacts of the proposal relate to a better cohesion of the city centre. With the option for more residential/short stay accommodation in the area it has the potential to add vitality and the opportunity for safer streets through good design.

---



**Environmental:**

The remediation of the site will finally address the last of the pollution legacies from the sites former use as railway marshalling yards.

**Cultural & Heritage:**

There is the potential to better link the cultural and heritage icons present in the area such as the W.A. Museum, former Railway Station and Bill Sewell complex.

**RELEVANT PRECEDENTS:**

The former City of Geraldton previously supported the overall concept plan and endorsed the Batavia Coast Marina Structure Plan on 13 July 1999.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The project has been the subject of previous Council reports and briefings on concept design over a number of years.

**LEGISLATIVE/POLICY IMPLICATIONS:**

A new Structure Plan is being developed as part of the process to assist in guiding built form in the Batavia Coast Marina area.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The deletion of the 'super profits' clause of the MOA is not expected to have financial implications for Council given it was not expected that the project would in fact generate super profits.

**INTEGRATED PLANNING LINKS:**

Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.1.3	Revitalising the CBD through economic, social and cultural vibrancy

**REGIONAL OUTCOMES:**

Potentially the completion of Batavia Coast Marina Stage Two could broaden the facilities on offer both to Geraldton and regional residents, visitors and businesses.

**RISK MANAGEMENT**

There are no known risks if Council adopts the recommendation, however should Council not support the deletion of the clause the land assembly process will stall and could jeopardise the funding provided via State Cabinet for the project.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

No alternate options are given as the need to remove the clause is considered to be essential if the BCM2 project is to proceed.

**16 REPORTS TO BE RECEIVED****REPORTS TO BE RECEIVED**

<b>AGENDA REFERENCE:</b>	<b>D-15-26823</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>11 May 2015</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</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 – Community Services
    - i. CS211 – Geraldton Regional Art Gallery Committee Meeting Minutes – 25 March 2015
    - ii. CS212 – QEII Seniors Advisory Committee Meeting Minutes – 25 February 2015
  - b. Reports – Development and Regulatory Services
    - i. DRS215 - Community Safety Crime Prevention Committee Meeting Minutes – 15 April 2015
    - ii. DRSDD098 – Delegated Determinations

**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. CCS116 – Corporate Business Plan – March 2015
    - ii. CCS117 - Confidential Report – List of Accounts Paid Under Delegation April 2015

**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.

- 17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
  
- 19 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**
  
- 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/your-council/meetings>