



ORDINARY MEETING OF COUNCIL  
AGENDA

27 MARCH 2012

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**ANNEX 1 - CITY OF GREATER GERALDTON STANDING ORDERS LOCAL LAW 2007..98**

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**CITY OF GREATER GERALDTON****ORDINARY MEETING OF COUNCIL AGENDA  
TO BE HELD ON 27 MARCH 2012 AT 1.30pm  
MULLEWA DISTRICT OFFICE****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****2      DECLARATION OF OPENING****3      ATTENDANCE**

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Cr R Ashplant

Cr G Bylund

Leave of Absence:

Cr B Hall

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

**5 PUBLIC QUESTION TIME**

*Questions provided in writing prior to the meeting or at the meeting will receive a formal response.*

**Mr R Pitman, 9 Gaskin Drive, CAPE BURNEY WA 6532**

SC040 PROPOSED TOWN PLANNING SCHEME AMENDMENT –  
RESORT DEVELOPMENT REZONING GREENOUGH RIVER ROAD,  
CAPE BURNEY

Question

Is the Document of 20.07.2011 Cape Burney Freehold Update discussing the same planning application as was mooted in 2009 or is this another planning submission?

Response

This is the same rezoning and submission resolved by council at its meeting of 25 August 2009.

Question

If that is the case why was the first planning approval of 2009 if indeed one was granted, not accepted by council?

Response

As above.

Question

If this current submission is the only one that has been recommended for planning approval since Bayform folded, why has this procedure taken so long to finalise, given your response in Authorising The Chief Executive Officer on Aug 25<sup>th</sup> 2009 to **“progress freehold sales following rezoning and submission approvals”**.

Response

The rezoning and subdivision process is one of complexity and rigor of regulatory compliance obligations. Extensive environmental, geotechnical, engineering, aboriginal heritage, coastal engineering (including a storm surge analysis) studies were required to be conducted as well as ground water monitoring over a two year period. Timing of these processes is not dictated by the City.

Question

How many times has Council submitted applications for planning approval for Lot 200 and Gaskin Drive since Bayform Holdings contract expired?

Response

Since the Bayform Holding contract expired, the City has been undertaking the relevant studies to progress the rezoning and subdivision of Lot 200 Greenough River Road and Gaskin Drive for WAPC approval.

Question

How much has Council paid for planning conceptions and planning approvals for Lot 200 and Gaskin Drive since the collapse of Bayform Holdings contract?

Response

\$174,692.

Question

In the latest planning submission what zoning is Council applying for with respect to the above?

Response

The proposed zoning for the Lot 200 is 'Resort Development' and 'Parks and Recreation'

Question

Did the Council indeed put aside money for the headworks of Gaskin Drive in order for Freeholding to be permitted prior to 2009, and if yes, what happened to that money?

Response

Money has been budgeted for the rezoning and subdivision of Lot 200 commencing in the 2009/10 budget.

Question

What is the specific process going forward...ie What still needs to be done to move forward toward free holding and what is the approx. date for finalisation of that?

Response

The Town Planning Scheme Amendment is going before council at its meeting on 27 March 2012. The proposed amendment must be submitted for Minister for Planning approval, advertised for public submissions, with submissions to be considered before going back for Ministerial approval. It would be prudent to allow a further 9-12 months for the proposed amendment to flow through the State agency and Ministerial approval process.

The subdivision process cannot be initiated until the scheme amendment for rezoning is finalised, and the actual land development process for roads and services infrastructure cannot proceed before subdivision is approved by State agencies. The City is bound by the same mandatory compliance obligations and formal State Ministerial

and WAPC approval processes as any other land developer. The formal subdivision process would be expected to take around 3 months, for the City to get conditional WAPC approval. Then we would have to apply consequential subdivision conditions to the detailed final design, and allow a construction timeline of 12 months. On the assumption that the subdivision process will not be delayed by State agency processes - it is anticipated that titles could be ready before late 2014 or early 2015.

Question

And finally.....Why is that in all of the time since Bayform Holdings was first given permission to develop all of the above land, that not once to my knowledge has the Councillor of the Hills Ward Or The Council in general asked ANY of the LEASEHOLDERS what they would like to see done with the area? Perhaps you may feel that it is "None of our business"

Response

The City of Greater Geraldton understands that extensive consultation with stakeholders was undertaken by the Shire of Greenough, before that Council made firm resolutions on the development directions for this land. The City of Geraldton-Greenough subsequently inherited the project and resolved to continue to pursue the same directions, consistent with the decisions and conditions determined by the past Council on free-holding of the land. The City of Greater Geraldton has progressed the project effectively, within the timelines imposed by external processes.

**Kevin Higham, 56 Polo Road, Geraldton**

**SC039 FINAL APPROVAL OF LOCAL PLANNING SCHEME  
AMENDMENT NO. 6 – RESIDENTIAL REZONING, DEEPPDALE**

Question

What sewerage system will be in the area if the subdivision goes ahead?

Response

Sewer is not required to be provided for lots 2000m<sup>2</sup> and below.

Question

Will there be restrictions to the amount of stock on the subdivided blocks. What will they be?

Response

The stocking rates currently applicable to Deepdale will only apply to the Rural Residential zoned land and not the proposed Residential area.

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

<b>March 2012</b>		
Cr B Hall	4 March 2012	31 March 2012
<b>April 2012</b>		
Cr T Thomas	23 April 2012	30 April 2012

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS****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 of the City of Greater Geraldton held on 28 February 2012 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*

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
28 February 2012	Padbury Mining Update	Mayor Ian Carpenter
28 February 2012	Ordinary Meeting of Council	Mayor Ian Carpenter
29 February 2012	LGRIC Meeting	Mayor Ian Carpenter
29 February-14 March 2012	Delegation Visit to China	Mayor Ian Carpenter
16 March 2012	Better Beginnings Presentation	Mayor Ian Carpenter
17 March 2012	Harmony Week Dinner Dance	Mayor Ian Carpenter
18 March 2012	Harmony Week Celebrations	Mayor Ian Carpenter
20 March 2012	Greater Geraldton Economic Alliance Meeting	Mayor Ian Carpenter
20 March 2012	Agenda Forum	Mayor Ian Carpenter
21 March 2012	You're Welcome Disability Access Initiative	Mayor Ian Carpenter
23 March 2012	Regular Meeting with Mr Ian Blayney MLA	Mayor Ian Carpenter
23 March 2012	Batavia Regional Organisation of Councils Meeting	Mayor Ian Carpenter
27 March 2012	Ordinary Meeting of Council	Mayor Ian Carpenter

## 11 REPORTS OF COMMITTEES AND OFFICERS

### 11.1 *Reports of the Chief Executive Officer*

#### CEO002 MULLEWA COMMUNITY TRUST – ALLOCATION OF FUNDS 2012

<b>AGENDA REFERENCE:</b>	<b>D-12-1175</b>
<b>AUTHOR:</b>	<b>T Hartman Manager Mullewa District Office</b>
<b>EXECUTIVE:</b>	<b>T Brun CEO</b>
<b>DATE OF REPORT:</b>	<b>9 March 2012</b>
<b>FILE REFERENCE:</b>	<b>FM/23/0005</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

#### **SUMMARY:**

The purpose of this report is to seek Council's approval of the allocation of funds from the Mullewa Community Reserve.

#### **PROPONENT:**

The Proponent is The City of Greater Geraldton

#### **BACKGROUND:**

The Mullewa Community Trust Committee meets each year to consider the applications received for the annual funding round and makes recommendations to Council based on the Trust guidelines and criteria. The Community Trust Committee met on the 8th March 2012 to consider the funding allocation for 2012. The minutes of the meeting have been included in reports to be received.

The annual disbursement is \$65,000 for this funding round. The total amount requested from the Reserve was \$86,168.50.

The recommendation of the committee is as follows:

Applicant	Project	Cost of Project	Funding Allocated
Mullewa Muster and Rodeo Inc.	Mullewa Muster and Rodeo	\$167,000	\$15,000
Mullewa Tennis Club	Ball Machine	\$3,785	\$3,785
Mullewa Golf Club	Club House Repairs	\$10,820	\$6,000
Mullewa Sports Club	Bowling Green Protection	\$1,109	\$1,109
Mullewa Women's Indigenous Group	Jilinbirri Weavers	\$14,330	\$8,000
Mullewa Youth Centre	Adult Basketball	\$8,545	\$6,000
Mullewa District Agricultural Society Inc.	AG Show 2012	\$13,489	\$10,000

East Fremantle Football Club	Advantage Coaching Community Program	\$40,500	\$5,106
Mullewa Community Resource Centre	PhotoLab	\$19,461	\$10,000

**COMMUNITY CONSULTATION:**

Applications were advertised in October and closed in December

**COUNCILLOR CONSULTATION:**

Councillors for the Mullewa Ward are on the Committee.

**STATUTORY IMPLICATIONS:**

Local Government Act 1995  
Mullewa Community Trust Criteria  
Mullewa Community Trust Grant Guidelines

**POLICY IMPLICATIONS:**

This item aligns with the City's Community Funding Policy.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Funds are provided from the Structural Adjustment fund contributed by Mt Gibson Mining and set up through the Mullewa Community Reserve.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Goal 2:	Opportunities for Prosperity
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.3:	Encourage the development and provision of core business and support services in Mullewa.

**Regional Outcomes:**

There are no regional outcomes with this item.

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

There are no economic issues associated with this item.

**Social:**

The projects allocated funding will have a positive social impact in Mullewa.

**Environmental:**

There are no environmental impacts associated with this item.

**Cultural & Heritage:**

The projects allocated funding will have a positive cultural and heritage impact in Mullewa.

**RELEVANT PRECEDENTS:**

The Mullewa Community Reserve has been established to allocate funds from the agreement entered into between Mount Gibson Mining Ltd and the former Mullewa Shire Council in March 2004.

**DELEGATED AUTHORITY:**

There are no delegated authority related to this proposal.

**VOTING REQUIREMENTS:**

Absolute majority is required.

**OPTIONS:****Option 1:**

As per the Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority by virtue of section 6.8 of the *Local Government Act* RESOLVES to:

1. DEFER the allocation of funds from the Mullewa Community Reserve;
2. MAKES the determination based on the following reason:
  - a. To be determined by Councillors.

**Option 3:**

That Council by Absolute Majority by virtue of section 6.8 of the *Local Government Act* RESOLVES to:

1. NOT ENDORSE the recommendation of the Mullewa Community Trust Committee and approve the distribution of funds from the Mullewa Community Reserve;
2. MAKE the determination based on the following reason:
  - a. To be determined by Councillors.

**CONCLUSION:**

The funds will be provided to programs, activities, events or facilities in the ongoing development or maintenance of recreational, social or cultural needs of members of the Mullewa community.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority virtue of section 6.8 of *the Local Government Act* RESOLVES to:

1. APPROVE the 2012 distribution of funds from the Mullewa Community Reserve as follows:
  - a. Mullewa Muster and Rodeo Inc. - \$15,000;
  - b. Mullewa Tennis Club - \$3,785;
  - c. Mullewa Golf Club - \$6,000;
  - d. Mullewa Sports Club - \$1,109;
  - e. Mullewa Women's Indigenous Group - \$8,000;
  - f. Mullewa Youth Centre - \$6,000;
  - g. Mullewa District Agricultural Society Inc. - \$10,000;
  - h. East Fremantle Football Club - \$5,106; and
  - i. Mullewa Community Resource Centre - \$10,000

## 11.2 Reports of Corporate Services

CS055	APPROVAL OF FINANCIAL POLICIES
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<b>AGENDA REFERENCE:</b>	<b>D-12-11386</b>
<b>AUTHOR:</b>	<b>C Wood, Director of Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>08 March 2012</b>
<b>FILE REFERENCE:</b>	<b>GO/14/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

### SUMMARY:

The purpose of this report is to seek approval from Council for the introduction of the following policies:

CP034	Fraud Control Policy
CP035	Writing Off Bad Debts Policy
CP036	Risk Appetite and Tolerance Policy

### PROPONENT:

The Proponent is The City of Greater Geraldton.

### BACKGROUND:

Three new policies have been developed to provide direction for the organisation and comply with good governance principles. These policies are attached and include:

#### **CP034 Fraud Control Policy**

This policy sets out the meaning of fraud, where is to monitor, detect and report fraud and what will be done when fraud is uncovered.

#### **CP035 Writing Off Bad Debts Policy**

This policy provides guidance on who can write off bad debts and the delegated levels at which this can happen.

#### **CP036 Risk Appetite & Tolerance Policy**

This policy sets out the levels of risk that the Council will accept to achieve its objectives, and how it will be considered in determining the overall risk assessment.

### COMMUNITY CONSULTATION:

There has been no community consultation on this matter.

### COUNCILLOR CONSULTATION:

These reports have been presented to the Audit Committee for endorsement.

### STATUTORY IMPLICATIONS:

The Local Government Act requires that Councils establish good governance principles through the introduction of policies and guidelines.

**POLICY IMPLICATIONS:**

These policies build on the current council and operational policies in place.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications.

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

Goal 5: Leading the Opportunities.

Outcome 5.1: Leadership and Good Governance.

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

**Regional Outcomes:**

There are no regional outcomes from the consideration of this matter.

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

There are no economic impacts associated with this matter.

**Social:**

There are no social impacts associated with this matter.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

There are no cultural or heritage impacts associated with this matter.

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this matter.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority and in accordance with Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. NOT APPROVE the introduction of:
  - a. CP034 Fraud Control Policy;
  - b. CP035 Writing off Bad Debts Policy; and
  - c. CP036 Risk Appetite and Tolerance Policy.

**Option 3:**

That Council by Simple Majority and in accordance with Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. DEFER endorsements of:
  - a. CP034 Fraud Control Policy;
  - b. CP035 Writing Off Bad Debts Policy; and
  - c. CP036 Risk Appetite and Tolerance Policy.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority and in accordance with Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the introduction of:
  - a. CP034 Fraud Control Policy;
  - b. CP035 Writing Off Bad Debts Policy; and
  - c. CP036 Risk Appetite and Tolerance Policy.



**CS056 COMPLIANCE AUDIT RETURN 2011**

<b>AGENDA REFERENCE:</b>	<b>D-12-11387</b>
<b>AUTHOR:</b>	<b>T Mbirimi, Coordinator Governance &amp; Risk</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>2 March 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/14/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this report is to adopt the Compliance Audit Return 2011 as required by the Department of Local Government.

**PROPONENT:**

The Proponent is the City of Greater Geraldton

**BACKGROUND:**

In accordance with section 7.13(1) of the Local Government Act 1995 and the Local Government Audit Regulations, the City is required to complete a compliance audit in relation to the period 1 January 2011 to 31 December 2011 against the requirements set out in the Compliance Audit Return (CAR).

While the structure of the CAR is generally similar to that of previous years, areas of compliance covered by the 2011 CAR have been restricted to those considered high risk, resulting in a CAR that contains substantially fewer questions, reducing the size of this CAR from the previous 27 pages to eight pages for 2011.

Amendments to regulation 13 of the *Local Government (Audit) Regulations 1996*, which were gazetted on 30 December 2011, allowed these changes to occur.

These changes address issues raised in a number of reports that proposed a review of the Department's Compliance Audit Program, including the Public Accounts Committee Report No. 4 into Local Government Accountability (2006), the Department of Treasury and Finance's Red Tape Reduction Group Report (2010) and the Local Government Reform Steering Committee (2010). These reports raised issues regarding the compliance reporting burden placed on local governments resulting from the requirement to complete a comprehensive CAR and submit it to the Department by 31 March each year.

A further change to Regulation 14 requires that the local government's Audit Committee now reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

The reduction to the size of the CAR, and proposed associated transfer of responsibilities to the Audit Committee of each local government, will enable local governments to better manage legislative compliance with their own timeframes and with increased transparency and involvement for elected members. However, the requirement for local governments to comply with relevant legislation will not change.

The 2011 CAR is now complete (as attached) and is submitted to Council for adoption.

**COMMUNITY CONSULTATION:**

There is no requirement for community consultation on this matter.

**COUNCILLOR/OFFICER CONSULTATION:**

The CAR was submitted to the Audit Committee to review and it was resolved:

*That the Audit Committee by Absolute Majority and in accordance with Section 7.13(1) of the Local Government Act 1995 and the Local Government Audit Regulations RESOLVES to REVIEW and REPORT to Council on the 2011 Compliance Audit Return.*

**STATUTORY IMPLICATIONS:**

Section 7.13(1) of the Local Government Act 1995 and the Local Government Audit Regulations applies.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial or budget implications

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic & Plan for the Future Outcomes:**

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

**Regional Outcomes:**

There are no regional outcomes from the consideration of this matter.

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

There are no economic impacts associated with this matter.

**Social:**

There are no social impacts associated with this matter.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

There are no cultural or heritage impacts associated with this matter.

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this matter.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority and in accordance with Section 7.13(1) of the Local Government Act 1995 and the Local Government Audit Regulations RESOLVES to DEFER adoption of the 2011 Compliance Audit Return.

**CONCLUSION:**

The Compliance Audit Return 2011 (CAR) is a statutory compliance requirement for Local Governments and requires a review first by the Audit Committee and then a report to Council for adoption before being submitted to the Department of Local Government. The City is required to provide this to the Department prior to 31 March 2011. The City does not have the option not to adopt the Return as it would therefore be non-compliant with the Local Government Act.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority and in accordance with Section 7.13(1) of the Local Government Act 1995 and the Local Government Audit Regulations:

1. RESOLVES to ADOPT the 2011 Compliance Audit Return.

**CS057 STRUCTURE OF THE AUDIT COMMITTEE**

<b>AGENDA REFERENCE:</b>	<b>D-12-11552</b>
<b>AUTHOR:</b>	<b>C Wood, Director of Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>2 February 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/14/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this report is to seek Council's consideration of the expansion of the role of the Audit Committee.

**PROPONENT:**

The Proponent is The City of Greater Geraldton.

**BACKGROUND:**

An amendment to the Local Government Act 1995 in 2005 introduced a requirement that all local governments establish an audit committee. Such committees are charged with providing an independent oversight to the financial systems of a local government on behalf of the Council. As such, the committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government's financial reporting and audit responsibilities.

The Local Government Act and Regulations provide that:

- a. The audit committee must comprise of three or more persons;
- b. At least three of the members and the majority of the members, are to be elected councillors; and
- c. The powers and duties of the committee are provided through Part 7 of the Act and the committee cannot on-delegate those powers and duties.

The role of the committee is to support Council in its endeavours to provide effective corporate governance and fulfils its responsibilities in relation to directing and controlling the affairs of the local government. The essential role of the audit committee is oversight for all matters that relate to the conduct of audits.

In May 2011 a report was put to the Council of the City of Geraldton-Greenough to consider this matter. The resolution at that time was as follows:

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

*That Council by Simple Majority in accordance with Part 7 of the Local Government Act, RESOLVES to:*

1. *INCREASE the membership of the audit committee to include two external members;*

2. *BROADEN the audit committee's role to include financial and non-financial matters; and*
3. *ADOPT the Terms of Reference.*

LOST 5/6

**REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:**

*That Council did not see the need of increasing the workload within the current payment for Councillors and further that it would be unlikely to attract a community member with the right skill set without payment.*

**BEST PRACTICE FOR AUDIT COMMITTEES**

As mentioned above, historically the role of the audit committee focussed on the financial report, accounting, internal control matters and the integrity of accounting systems. Audit committees are now generally given a broader mandate that covers a wide range of activities. This includes risk management strategies (including fraud prevention), financial and non-financial compliance requirements and other audit and assurance activities not directly related to the financial report.

It is suggested that the City take the lead in achieving best practice by expanding the role and membership of its committee. It is recommended that the membership of the audit committee be expanded to six with the addition of one further councillor and two external members. The external members will be appointed through a public invitation process and will have the skills required to sit on an audit committee.

Further to this, it is recommended that the scope of the role of the audit committee be expanded to include the following:

- Corporate governance generally;
- Oversight of risk management activities;
- Internal and external audit;
- Compliance with the Local Government Act and other applicable laws and regulations;
- Internal control frameworks including accounting policies and procedures as they apply to financial reporting council policies;
- Oversight of activities to control and report on fraud;
- Quarterly financial reports; and
- Reviewing external reporting – both financial and performance.

As part of these changes, it is proposed that the audit committee meet on a quarterly basis and as required for matters such as endorsement of budget processes and financial statements.

**COMMUNITY CONSULTATION:**

There is no requirement for community consultation on this matter.

**COUNCILLOR CONSULTATION:**

This recommendation was put to the Audit Committee in February 2012 with the following resolution:

*That the Audit Committee by Simple Majority and in accordance with*

*Part 7 of the Local Government Act 1995 RESOLVES to:*

1. *INCREASE the membership of the Audit Committee to four elected members and two external members.*
2. *The two external members be appointed through a public advertisement process.*
3. *BROADEN the Audit Committee's role to include financial and non- financial matters; and*
4. *ADOPT the Draft Audit Committee Charter.*

CARRIED

### **STATUTORY IMPLICATIONS:**

Currently, the membership and roles of audit committees are governed by Part 7 of the Local Government Act 1995.

Changes to the Local Government (Audit) Regulation 1996 are proposed for early 2012 to expand the current role of local government audit committees. It is proposed the audit committees' role will additionally encompass the annual review of areas such as risk management, internal control and legislative compliance.

### **POLICY IMPLICATIONS:**

There are no policy implications.

### **FINANCIAL AND BUDGET IMPLICATIONS:**

There were concerns previously that the external members were not able to be paid as a member of the audit committee. However, further investigation has shown that this occurs in other councils and is supported by the Local Government Operating Guideline as follows:

*"The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made commensurate with the expertise and knowledge such people bring to the committee. The Council need to determine whether payment will be offered and the level of that payment."*

As such, it is recommended that external members receive a fee of \$2,000 per annum being payment to recognise the expertise and knowledge they bring to the committee.

Council is unable to pay Council members meeting fees for this Committee under the Act.

### **STRATEGIC & REGIONAL OUTCOMES:**

#### **Strategic Community Plan Outcomes:**

Goal 5: Leading the Opportunities.

Outcome 5.1: Leadership and Good Governance.

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

**Regional Outcomes:**

There are no regional outcomes from the consideration of this matter.

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

**Economic:**

There are no economic impacts associated with this matter.

**Social:**

There are no social impacts associated with this matter.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

There are no cultural or heritage impacts associated with this matter.

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this matter.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute majority is required.

**OPTIONS:**

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority and in accordance with Part 7 of the *Local Government Act 1995* RESOLVES to DEFER the consideration of the audit structure at this stage.

**Option 3**

That Council by Simple Majority and in accordance with Part 7 of the Local Government Act 1995 RESOLVES to:

1. NOT ADOPT the recommendation of the Audit Committee to:
  - a. increase the members on the committee;
  - b. broaden the audit committee's role to include financial and non-financial matters; and
  - c. Adopt the Draft Audit Committee Charter.

**CONCLUSION:**

It is important that all of the City's activities are carried out in a best practice environment and with minimal risk. The audit committee can provide the Council with a high level of assurance that the processes involved are transparent and relevant.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority and in accordance with Part 7 of the *Local Government Act 1995* RESOLVES to:

1. INCREASE the membership of the audit committee to be four elected members and two external members;
2. APPOINT additional Council delegates:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_ (Proxy)
3. APPOINT two external members in accordance with the Draft Audit Committee Charter;
4. REMUNERATE the external members at \$2,000 pa;
5. BROADEN the audit committee's role to include financial and non-financial matters; and
6. ADOPT the Draft Audit Committee Charter.



**CS058 MID YEAR BUDGET REVIEW**

<b>AGENDA REFERENCE:</b>	<b>D-12-11942</b>
<b>AUTHOR:</b>	<b>P Radalj, Manager Management Accounting</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>8 March 2012</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this report is for Council to consider variations as per attached financial statements in relation to the mid-year budget review undertaken by each function area and determine whether or not to authorise these proposed variations according to both operating and capital income/expenditure (nature and type).

The original budget presented a brought forward (opening) surplus position of \$49,101 this has now been amended to a deficit opening position of (\$370,200) to reflect the combined closing positions based on the audited financial statements of the two former entities as at 30<sup>th</sup> June 2011.

The proposed variations without taking into account the amendment to the opening position, reflects a positive gain against the original budget of \$448,032.

**PROPONENT:**

The Proponent is the City of Greater Geraldton

**BACKGROUND:**

The proposed attached budget amendments have been identified under the following criteria:

- a. Provide resources to complete and/or undertake high or newly identified priority projects and activities;
- b. Identify incorrect postings to accounts;
- c. Account for deferred or cancelled budget items; and
- d. Review allocations against current and projected figures and profiles.

The following details the significant source of any movement against the original budget based on nature and type income/expenditure:

**Variations to Operating Income (nature & type):**

**Rates:** (net decrease in revenue \$159,404)

- Projected \$54,000 decrease in interim rates revenue.
- Reclassification of \$99,730 ex gratia payment to Grants & Subsidies, Contribution & Donations (nature & type).

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**Grants & Subsidies, Contributions & Donations:** (net increase in revenue \$4,613,642)

- \$2,815,400 Royalties for Regions Grant (Mid-West Investment Plan Funds) for Flores Rd Intersection (still to be confirmed)
- \$1,678,383 Royalties for Regions Grant (Country Local Government Fund) based on confirmed allocations for both direct and regional component funds for 2011-12.
- \$120,000 Foreshore Redevelopment funding not identified in the original budget.

**Fees & Charges:** (net decrease in revenue \$1,102,810)

- \$54,000 decrease in building licences revenue based on current activity level.
- Projected \$50,000 decrease in planning fees revenue.
- \$50,000 reduction in rubbish charges.
- \$60,000 overall reduction in revenue from Aquarobics & Swim School programmes.
- \$44,078 reduction in projected income derived from private works.
- \$800,000 reclassification of the rubbish disposal fees paid by the City to Meru Landfill as an internal transfer under Other Income (nature & type).

**Interest Earnings:** (net increase in revenue \$172,000)

- Increase based on the projected amount of interest generated from Reserve Investments due to longer investment profiles and greater level of funds invested.

**Other:** (net increase in revenue \$732,369)

- \$800,000 reclassification from Fees and Charges of the rubbish disposal fees paid by the City to Meru Landfill as an internal transfer to Other Income (nature & type).
- \$52,000 reallocation of Diesel Fuel Rebate revenue to fees and charges.

**Profit on Disposal of Assets:** (net decrease in revenue \$2,149,795)

- Reduction in forecasted profit from sale (non-cash item) due to deferment in budgeted land sales. Does not impact on net operating position.

**Total Variation to Operating Income - \$1,686,228 (increase)****Variations to Operating Expenditure (nature & type):****Employees Costs:** (net decrease in expenditure \$649,635)

- Reduction based on savings achieved due to delays in filling vacant positions. Taking into consideration part-time and casual positions there was approximately 25 full-time positions vacant as at 1<sup>st</sup> July 2011. In dollar value this represents a total cost of \$1,687,500.

**Materials & Contractors:** (net decrease in expenditure \$10,824,100)

- Deferment and reduction in expenditure associated with major land developments valued at \$11,979,052.
- \$1m reclassification of the rubbish disposal costs charged by Meru Landfill to the City as an internal transfer under Miscellaneous Expenditure (nature & type).

**Utility & Government Charges:** (net decrease in expenditure \$66,592)

- Based on current actuals projected out until year end, expected \$50,000 savings in telephone utilities.

**Insurance:** (net increase in expenditure \$156,914)

- Increase in property premiums of \$120,000 due to a higher level of coverage.
- Increase in contractors premiums of \$36,914 due to the level of project expenditure for 2011-12.

**Interest/Borrowing Costs:** (net decrease in expenditure \$375,780)

- “Flow on” effect from a substantial reduction in proposed debt financing.

**Miscellaneous:** (net increase in expenditure \$733,694)

- \$1m reclassification from Materials & Contractors of the rubbish disposal costs charged by Meru Landfill to the City as an internal transfer to Miscellaneous Expenditure (nature & type).
- Net decrease in expenditure of \$284,201 tied to “on costs” associated with works program.

**Total Variation to Operating Expenditure - \$11,025,499 (decrease)****Variations to Capital Expenditure (nature & type):****Purchase Buildings:** (net decrease in expenditure \$2,682,387)

- \$3.5m cost decrease in expenditure associated with the redevelopment of old library.
- \$198,220 increase allocation of expenditure associated with upgrades to the relocated depot.
- Carryover funds 2010-11 of \$161,280 tied to relocation of depot.
- \$175,000 increase allocation to complete the Rail Carriage Building as per design specifications.
- Carryover funds 2010-11 of \$200,740 tied to the Aquarena Creche Building.

**Purchase of Plant & Equipment:** (net increase in \$309,935)

- \$186,166 carryover of funds for purchase of HD Prime Mover (Mullewa).
- \$113,000 additional allocation Airport X-Ray Screening System (Council Item CE013).

**Purchase of Furniture & Equipment:** (net increase in \$443,431)

- Reclassification of \$425,000 of IT Equipment purchases original budget to Furniture & Equipment to align with Asset Category.

**Purchase Infrastructure Roads:** (net increase in expenditure \$2,546,558)

- As per additional Royalties for Regions grant, \$2,815,400 increase allocation to complete Flores Rd intersection.
- Durlacher/Maitland Intersection (Traffic Signal) capital works expenditure of \$490,000 deferred until design component completed.
- Design works for Minnenooka Road deferred; savings of \$100,000.
- Removal of Sandspring Rd from resurfacing upgrade program; savings of \$90,000.
- Reduction of \$50,000 in renewal expenditure Bridges/Culverts.
- \$166,779 increase allocation to renewal program Open/Shoulder Drains.
- \$148,128 increase allocation to renewal program Road Resurfacing.
- \$166,339 increase allocation to renewal program Kerbing.

**Purchase Infrastructure Parks:** (net increase in expenditure \$665,638)

- Increase allocation via Royalties for Regions funding of \$825,600 towards the development of Derna Parade Park.
- \$100,000 allocation to the renewal and upgrade of the Queens Park Theatre water feature.
- \$300,000 reduction in budget expenditure on Eastern Breakwater Redevelopment in 2011-12.

**Self-Supporting/Council Loans:** (net increase in expenditure \$275,000)

- \$250,000 self-supporting loan to Geraldton Hockey Association (Council authorised – Item CS021)
- New application from La Fiamma Sporting Club in the amount of \$25,000 over 5 years for the upgrade to their building (air conditioning and rendering of the outside)

**Repayment of Debentures:** (net decrease in expenditure \$162,779)

- “Flow on” effect from a reduction in proposed debt financing.

**Total Variation to Capital Expenditure - \$1,395,396 (decrease)****Variations to Capital Revenue (nature & type):****Proceeds from Disposal of Assets:** (net decrease in revenue \$2,189,682)

- Cancellation and/or deferment of proposed land sales in relation to the following properties ( net decrease in revenue of \$2,350,000)
  - Brede St Property
  - NWCH/Johnson St Property
  - Lot 1124 Mitchell St.
- \$150,000 increase in revenue from sale of Fitzgerald St Property.

***Proceeds from New Debentures:*** (net decrease in revenue \$15,805,000)

- \$12.08m deferment in loans for land developments.
- \$4m cancellation of loan for Administration Centre Redevelopment.
- \$275,000 additional revenue via self-supporting loans (offset by self-supporting loans paid out).

***Total Variation to Capital Revenue - \$17,994,682 (decrease)*****Variations to Reserves (nature & type):*****Transfers to Reserves:*** (net decrease in expenditure \$389,739)

- Decrease of \$689,739 to Reserves in lieu of reduction in proceeds from property sales.
- Increase of \$300,000 to Reserves – reclassification from restricted transfers.

***Transfers from Reserves:*** (net increase in revenue \$4,503,573)

- \$1,763,580 of unspent grants restricted into Cash Reserves as part of the 2010-11 End of Year Process that are to transferred out into 2011-12.
- \$2,247,000 prepaid grant for Eastern Breakwater Redevelopment transferred out of Reserves.
- \$240,000 transfer from Airport Reserve per 50% contribution to Airport Runway Design (Council Item CE004)
- \$216,724 transfer to restricted – reclassification as a transfer from Reserves.

***Total Variation to Reserves - \$4,893,312 (decrease)*****COMMUNITY CONSULTATION:**

There has been no community consultation

**COUNCILLOR/OFFICER CONSULTATION:**

This Budget Review has been prepared through consultation with the Executive Management Team, relevant Line Supervisors and Managers across the organization with direct responsibility for the management of budgeted financial resources.

**STATUTORY IMPLICATIONS:**

Section 6.8 of the Local Government Act which requires any expenditure not included in the annual budget to be authorised by absolute majority.

Section 6.21 (3) (b) of the Local Government Act – local government may resolve to expend the money or utilize the credit or final accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

**POLICY IMPLICATIONS:**

There are no policy implications.

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**FINANCIAL AND BUDGET IMPLICATIONS:**

The following table summarises the movement between the various income and expenditure – nature & type items.

Nature & Type	Original	Revised	Variation
Operating Income	70,082,049	71,768,277	1,686,228
Operating Expenditure	(80,803,275)	(69,777,776)	11,025,499
Non-Cash Items	11,568,080	13,717,875	2,149,795
Capital Expenditure	(43,084,016)	(44,479,412)	(1,395,396)
Capital Revenue	30,899,358	12,904,676	(17,994,682)
Reserves & Restricted	10,723,688	15,700,276	4,810,036
<b>Total</b>	(614,116)	(166,084)	448,032
Opening Position	49,101	(370,200)	
Closing Position	(565,015)	(536,284)	

In accounting for all movements and amendment to the opening position, the revised budget deficit closing position would be \$536,284.

**STRATEGIC COMMUNITY PLAN OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Goal 5: Leading the Opportunities

Outcome 5.1: Leadership and good governance\

Strategy 5.1.3: Ensure timely and accurate advice is provided in all meeting agendas

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

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural or heritage issues.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority is required to AMEND budget allocations.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority by virtue of section 6.8 of the Local Government Act 1995 RESOLVES to:

1. NOT or only PART APPROVE the proposed budget amendments as detailed in the attachments and NOT or only PART AUTHORISE any unauthorised expenditure contained within the proposed amendments.
2. NOT APPROVE the proposed Self-Supporting Loan in the amount of \$25,000 to La Fiamma Sporting Club for upgrades to their building.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER consideration of this matter.

**CONCLUSION:**

These budget amendments have been proposed based current resource requirements to support program and project activity, account for deferment and/or cancellation of projects, accommodate new projects identified as being of high priority and is conducted as part of prudent financial management processes and practices.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority by virtue of Part 6, Division 4, s6.8 and s6.11(2) respectively of the Local Government Act 1995 RESOLVES to:

1. APPROVE the proposed budget amendments as detailed in the attachments and to AUTHORISE any unauthorised expenditure contained within the proposed amendments; and
2. APPROVE the proposed Self-Supporting Loan in the amount of \$25,000 to La Fiamma Sporting Club for upgrades to their building.

### 11.3 *Reports of Sustainable Communities*

SC037	FINAL ADOPTION OF LOCAL PLANNING POLICY 'RESIDENTIAL DESIGN CODES – VEHICULAR ACCESS'
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<b>AGENDA REFERENCE:</b>	<b>D-12-09859</b>
<b>AUTHOR:</b>	<b>N Browne, Senior Statutory Planner</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>27 February 2012</b>
<b>FILE REFERENCE:</b>	<b>LP/8/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

#### **SUMMARY:**

The advertising period has concluded for the draft policy with two submissions being received. This report recommends final adoption of the policy subject to minor modifications.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

The Residential Design Codes has specific design elements that deal with vehicular access. In essence the Codes state that vehicular access should be safe in use and adequately formed.

The intent for the policy is to specify the minimum standard for vehicular access so that it is considered to be safe and adequately formed and also to ensure that crossover construction maintains the levels of the verge and any changes do not compromise the infrastructure within the verge.

The policy includes standards for crossovers which should not alter the natural ground level of the verge or where the natural ground level of the verge is altered, the crossover gradient is a maximum of 1 in 40 (+2.5%). There is a general presumption against lowering the verge level as this may have implications for minimum cover of essential services located in the verge.

It is not a requirement of the policy, but it does advocate, that domestic driveways should comply with Australian Standard AS/NZS 2890.1:2004 or be certified in writing from a professionally qualified civil engineer that the particular grade line is safe.

The policy will also assist in streamlining issues that may arise in the current approach with the impending introduction of the new Building Act 2011.



Council at its meeting held on 12 October 2011 resolved to:

*COUNCIL DECISION*

*MOVED COMMISSIONER CARPENTER,  
SECONDED COMMISSIONER MCILWAIN*

*That Council by Simple Majority pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:*

- 1. ADOPT the "Residential Design Codes – Vehicular Access" Local Planning Policy as a draft and advertise it for a period of 21 days;*
- 2. ADOPT for final approval the "Residential Design Codes – Vehicular Access" Local Planning Policy should no objections be received during the advertising period; and*
- 3. REQUIRE staff to present to Council a further report should there be any objections received during the advertising period.*

*CARRIED 5/0*

Although the two submissions received did not specifically object to the policy comments were provided that warrant Council consideration.

**COMMUNITY CONSULTATION:**

The policy was advertised in accordance with the provisions of the City of Greater Geraldton Town Planning Scheme No. 3 (Geraldton), Local Planning Scheme No. 5 (Greenough) and Town Planning Scheme No. 1 (Mullewa Townsite).

The advertising period was for 24 days (commencing 21 October 2011 and concluding on 14 November 2011) and involved the following:

1. A notice appeared in the Geraldton Guardian on 21 October 2011 and 28 October 2011;
2. The policy was available on the City's website;
3. The policy was publicly displayed at the Cathedral Avenue office and Mullewa office; and
4. The policy was referred to building companies, planning consultants, architects/draftsmen and engineering consultants.

**Submissions:**

As a result of the advertising, a total of two submissions were received. Listed below is a summation of the comments/concerns raised from the public comment period along with the City's response to the comment:

The policy should not be construed as a planning item, it is an engineering item. Why not condition the approval that it comply with the standard engineering drawing or on sloping blocks that the applicant negotiate an outcome with the Engineering department.

*Response – The Residential Design Codes contains specific design elements that deal with vehicular access and therefore it is a planning matter (which can be administered by the engineering area).*

The draft policy references AS 2890.1:2004 and is accompanied by the drawing 'Standard Details for Crossovers'. There appears to be contradictions between these two documents in regard to transitions on sag grade changes and the circulation roadway and ramp grades.

*Response – After further internal review it is proposed that the policy only reference the relevant Australian Standard for internal driveways within the property boundary. The policy now only advocates a certain standard for driveways but does not make it a requirement of the policy.*

There were also some general comments provided from the City's internal teams which have been addressed through some minor wording changes to the policy.

Copies of the actual submissions are available to Council upon request.

The policy (included as Attachment No. SC037) has been updated in accordance with the above.

**COUNCILLOR CONSULTATION:**

There has been no Councillor consultation.

**STATUTORY IMPLICATIONS:**

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic Community Plan Outcomes:**

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

**Regional Outcomes:**

There are no regional outcomes.

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

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural & heritage issues.

**RELEVANT PRECEDENTS:**

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

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority, pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to adopt for final approval the “Residential Design Codes – Vehicular Access” Local Planning Policy; and
2. MAKES the determination on the grounds that approval of the policy would compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the matter.

**CONCLUSION:**

It is considered essential, that in the interest of providing a sound planning framework from which the local government can be guided in its discretion and decision making process, that new policies be prepared and existing policies be revised.

Option 2 is not supported as the policy will specify the minimum standard for vehicular access so that it is considered to be safe and adequately formed and will also ensure that crossover construction does not compromise the infrastructure within the verge.

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

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to clause 2.2 of Town Planning Scheme No. 3 (Geraldton), Part 2 of Local Planning Scheme No. 5 (Greenough), clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ADOPT for final approval the “Residential Design Codes – Vehicular Access” Local Planning Policy; and
2. GIVE public notice of the above.

SC038	PROPOSED DEMOLITION OF HERITAGE LISTED DWELLING – LEWIS STREET, GERALDTON
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<b>AGENDA REFERENCE:</b>	<b>D-12-10863</b>
<b>AUTHOR:</b>	<b>M Bell, Planning Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>6 March 2012</b>
<b>FILE REFERENCE:</b>	<b>A11800 &amp; TP12/057</b>
<b>APPLICANT / PROPONENT:</b>	<b>Terry Maher</b>
<b>ATTACHMENTS:</b>	<b>Yes (x3)</b>

**SUMMARY:**

An application has been received to demolish the existing single residential dwelling on Lot 14 (No. 18) Lewis Street, Geraldton which is listed on the City's Municipal Inventory of Heritage Places and construct a new two storey residential dwelling on the site.

The application was received on 14 February 2012 and hence can be deemed refused on 14 April 2012.

There is no delegated authority for applications involving demolition of heritage listed buildings.

This report recommends refusal of the application.

**PROponent:**

The proponent is Terry Maher of Kahuna Developments Pty Ltd on behalf of the owner, Patsy Gould.

**BACKGROUND:****The Site:**

Lot Size	832m <sup>2</sup>
Existing Development	Single Residential Dwelling and Garage.
Access and Frontage	15m frontage to Lewis Street (sealed), 34m secondary street to Rose Street (sealed), 14m rear access to Ruby Street (sealed).
Existing Services	Reticulated sewer, water and underground power.
Topography	Sloping from the north east corner to south west corner.
Vegetation	Cleared.
Surrounding Land uses	Residential.

The dwelling is situated on a sloping site bounded by three streets (Lewis, Ruby and Rose Streets). The timber framed weatherboard dwelling has a corrugated iron gambrel roof with a skillion roof to the rear and a spate hipped bullnose verandah to the front. The verandah is supported on timber posts with a simple criss-cross balustrade infill. Windows are a combination of timber framed double hung and casement styles with French doors to the front verandah. There is a plastered corbelled chimney to the east side. There is a separate freestanding garage and workshop located in the back

garden which is accessible from Ruby Street and is not proposed to be demolished as part of this application.

Photographs of the dwelling are included as Attachment No. SC038A.

The applicant has provided plans for the redevelopment of the site which includes the construction of a new two storey residential dwelling (included as Attachment No. SC038B). An assessment of the new development will be undertaken and dealt with under delegated authority should Council approve the demolition of the existing residence.

**COMMUNITY CONSULTATION:**

There has been no community consultation.

**COUNCILLOR CONSULTATION:**

There has been no Councillor consultation although it is understood that the owner has canvassed some Councillors.

**STATUTORY IMPLICATIONS:**

**Town Planning Scheme No. 3 (Geraldton)**

The subject property is zoned "City Centre" under Town Planning Scheme No. 3 (Geraldton) with a residential density coding of R60.

Council's relevant general objectives for the Scheme area are:

- *To ensure a satisfactory diversity of urban character in all aspects of the City's development, which recognises and, where desirable, takes advantage of established aspects of the natural and built environment.*
- *Protection of buildings, places and streetscapes considered to be of significance to the City's heritage and urban character.*

The zone objective is to ensure that development of the City Centre's commercial, civic and residential components is implemented in a manner which will secure the status and attraction of the City as the primary centre for the region. One of Council's policies is to:

*Ensure that buildings and streetscapes which impart some distinctive character to the centre are utilised to the fullest extent possible in order to increase the attraction of the centre for residents and visitors.*

With regards to Heritage, Clause 5.9 of the Scheme states that:

*The purpose and intent of the heritage provisions are:*

- (a) To facilitate the conservation of places of heritage value and cultural significance;*
- (b) To ensure as far as possible that development occurs with due regard to heritage and cultures values.*

In accordance with the Scheme, Council is also required to establish and maintain a Heritage List (Municipal Inventory) of places considered by the Council to be of heritage significance and worthy of conservation. The Municipal Inventory has been reviewed and the new Inventory was adopted by Council on 28 June 2011. The inventory includes Lot 14 (No. 18) Lewis Street, Geraldton.

### **City Centre Planning Policy**

The City Centre Planning Policy was adopted by Council on 22 March 2011. Whilst the property is not included in the study area, the objectives of the Policy are still applied to all land zoned 'City Centre' under Town Planning Scheme No. 3 (Geraldton).

The policy places emphasis on the importance of heritage buildings as they add identity, interest and amenity to the environment and should be preserved, renovated and where appropriate, adaptively reused.

Relevant objectives of the policy include:

#### **Clause 5 – Built Form Objectives**

*5.4 Ensure that buildings of heritage and streetscape significance are conserved and enhanced through quality design.*

#### **Clause 6 – Heritage Objectives**

*6.1 Conserve the significance fabric and appearance of recognised heritage buildings.*

*6.2 Ensure any changes to such buildings enhance the character of the building and its street context.*

*6.3 Encourage the continued use, re-use, appropriate internal adaptation, and external restoration of local heritage buildings, locations and items.*

*6.4 Ensure that development does not adversely affect the cultural heritage significance of that, or any other conservation area of place.*

### **POLICY IMPLICATIONS:**

The 'Heritage Conservation and Development' local planning policy was adopted by Council on 6 July 2010.

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Objectives of the policy relevant to this application are:

*3.1 To conserve and protect places of cultural heritage significance.*

*3.2 To ensure development does not adversely affect the significance of heritage places.*

- 3.3 *To ensure that sufficient information is provided to enable the local government to make informed decisions.*
- 3.4 *To ensure that heritage significance is given due weight in local planning decision making.*
- 3.5 *To guarantee that where a development is approved which involves the demolition of a heritage, building that development is actually constructed.*

Clause 4.3.2 of the policy states:

*If structural failure is cited as a justification for the demolition of a place in the local government's Inventory, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.*

The proponent has provided a structural report which is summarised as follows:

*This house has two types of damage which are difficult and expensive to repair: serious foundation movement, and termite damage. For satisfactory repairs there would have to be wide scale stripping of the cladding and floors, including joists and bearers. Repairs will cost well over a hundred thousand dollars. Even portions of the hidden wall and roof frame which are not affected still need to be dismantled and re-joined to new, treated timber. Rusted nails and tie-downs will have to be renewed throughout.*

The proponent also provided a visual termite inspection report which is summarised as follows:

- Subterranean termite workings and/or damage was found in the subfloor stumps, patio posts, shed wall and fence posts.
- No visible evidence of termite nests were found however the termite damage appears extensive.
- At the time of inspection no wood decay fungi (rot) was found.
- At the time of inspection the degree of risk of subterranean termite infestation to the overall property was considered to be high.

A copy of the submitted visual termite inspection report and structural report are included as Attachment No. SC038C.

The proponent has completed an Archival Record with their application. A full copy of the Archive Record is available to Councillors upon request.

Clause 4.3.4.1 of the policy states (inter alia):

*If a proposal is for the demolition of a place in the local government's Inventory, the local government may require details of the proposed future development/use of the site to be submitted.*



The applicant has provided plans for the redevelopment of the site which includes the construction of a new two storey residential dwelling.

An inspection was undertaken of the property and the City's Senior Building Surveyor provided the following comments:

- *The dwelling was occupied until recently and is in a clean state.*
- *Termite damage to walls and floor were observed.*
- *Floor joists and bearers had curvatures as a result of the settling over time.*
- *Bearers under the verandah have subsided.*
- *The dwelling looked to be in reasonable condition for its age but was showing considerable wear and tear and as per the reports provided, there may be hidden damage.*

#### **FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications, however should Council refuse this application and the applicant proceed to exercise their right of review, a further cost is likely to be imposed on the City through its involvement in the review process.

#### **STRATEGIC & REGIONAL OUTCOMES:**

##### **Strategic Community Plan Outcomes:**

Goal 3: Opportunities for Creativity.

Outcome 3.1: A community that embraces and celebrates diversity.

Strategy 3.1.4: Preserve and activate the heritage of our community.

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

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

##### **The 2029 and Beyond Community Values, Visions, Directions**

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

**Regional Outcomes:****State Planning Policy 3.5 Historic Heritage Conservation**

This policy sets out the principles of sound and responsible planning for the conservation and protection of WA's heritage places. Section 6.6 Development Control Principles states:

*“Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification for it”.*

In addition, the policy states:

*“Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; the extent to which the community would benefit from the proposed redevelopment; and any local planning policy relating to the demolition of heritage places”.*

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

Anecdotally the proponent has advised that they will not spend any more money on the restoration of the existing dwelling, yet, importantly to note is the fact that the estimated cost of the new two storey dwelling is \$740,000.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

The site is listed (place 269) on the Municipal Inventory as follows:

*Management Category 3X: Moderate Significance: Important to the heritage of the locality.*

*Conservation of the place is recommended. Any proposed change to the place should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible.*

The statement of significance states:

*The original style and features such as the rendered corbelled chimney, steeply pitched roof and bull nose verandah give this house high*

*authenticity and aesthetic appeal. Further the place is representative of weatherboard houses of its era and contributes positively to the streetscape of the area.*

The application was forwarded to the Midwest Heritage adviser who provided the following comments:

- Character of Locality  
*The house is located opposite the State Registered Bill Sewell Complex, specifically Margaret House. In the near vicinity there are a number of heritage places which have been included in the City's Municipal Inventory of Heritage Places.*
- Declining Numbers of Weatherboard Heritage Residences  
*Weatherboard heritage residences are becoming increasingly rare in Geraldton owing perhaps in part to a misconstrued perception that they are possibly less significant than their stone counterparts.*

*A search of the Geraldton Municipal Inventory database indicates that there are 62 places which have weatherboard cladding, 7 of which have been demolished (i.e. over 10% loss).*

- Relocation of Building  
*Although relocation has proven successful in other situations, the likelihood of this option being successful are limited, particularly owing to the challenges of the sloping site.*
- Other Redevelopment Options for the Site  
*Given the heritage house is located to the front half of the block addressing Lewis Street, the owner has the opportunity to retain the house and develop to the rear of the lot into two lots.*

*Another option the owner could consider would be to retain the main frontage section of the character house comprising four main rooms and front verandah, and construct a substantial addition to the rear. The addition would not necessarily have to mimic the character and style of the existing residence, rather it could reflect modern tastes and materials.*

In conclusion, the Midwest Heritage Adviser has not supported the application based on the above considerations.

#### **RELEVANT PRECEDENTS:**

Council adopted the revised Municipal Inventory of Heritage Places at its meeting on 28 June 2011.

The following heritage demolition applications have been approved by Council (contrary to the Executive Recommendations):

- Council approved the demolition of Lot 1 (No. 3) Francis Street, Geraldton (with a MI Category 3 listing) at its meeting on 4 October 2006.
- Council approved the demolition of Lot 8 (No. 6) Lewis Street, Geraldton (with a MI Category 2 listing) at its meeting on 14 October 2008.

The following heritage demolition applications have been approved by Council:

- Council approved the demolition of Lot 70 (No. 20) Urch Street, Beresford (with a MI Category 5 listing) at its meeting on 23 June 2009.
- Council approved the demolition of Lot 4 (No. 264) Chapman Road, Beresford (with a MI Category 5 listing) at its meeting on 14 July 2009.
- Council approved the demolition of Lot 40 (No. 6) Goldsworthy Crescent, Spalding (with a MI Category 5 listing) at its meeting on 27 February 2007.
- Council approved the demolition of Lot 300 (No. 4) Pollard Street, Geraldton (with a MI Category 3 listing) at its meeting on 15 March 2007.

The following demolition applications have been refused by Council:

- Council refused the demolition of Pt Lot 213 (No. 63) Gregory Street (with a MI Category 2 listing) at its meeting on 27 February 2007.
- Council refused the demolition of Lot 91 (No. 18A) Francis Street, Geraldton (with a MI Category 2 listing) at its meeting on 12 June 2007.
- Council refused the demolition of Lot 90 (No. 16) Francis Street, Geraldton (with a MI Category 2 listing) at its meeting on 12 June 2007.
- Council refused the demolition of Lot 90 (No. 14) Francis Street, Geraldton (with a MI Category 6 listing) at its meeting on 12 June 2007.
- Council refused the demolition of Lot 308 (No. 8) Jose Street, Geraldton (with a MI Category 5 listing) at its meeting on 12 June 2007.
- Council refused the demolition of Lot 1 (No. 87) Fitzgerald Street, Geraldton (with a MI Category 3 listing) at its meeting on 12 June 2007.
- Council refused the demolition of Lot 2 (No. 152) Augustus Street, Geraldton (with a MI Category 6 listing) at its meeting on 12 June 2007.

**DELEGATED AUTHORITY:**

There is no delegated authority for applications involving the demolition of heritage listed buildings.

**VOTING REQUIREMENTS:**

Simple Majority required.

**OPTIONS:**

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority, pursuant to clause 7.3 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. GRANT planning approval for the demolition of the existing single residential dwelling on Lot 14 (No. 18) Lewis Street, Geraldton; and
2. MAKES the determination subject to conditions as determined by the Manager Town Planning Services, with the following specific advice note.
  - a. Any significant built fabric from the heritage buildings (such as the weatherboard wall cladding, timber floorboards and skirting, windows and doors) should be salvaged and actioned where feasible.
3. MAKES the determination based on:
  - a. To be determined by council.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the application.

**CONCLUSION:**

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development.

There are numerous statutory and strategic documents (inclusive of the Town Planning Scheme No. 3, City Centre Planning Policy, State Planning Policy 3.5) which places considerable emphasis on the conservation of places of heritage value and cultural significance and to ensure that development occurs with due regard to heritage and cultural values.

Further, Council very recently reviewed and adopted the Municipal Inventory of Heritage Places whereby a new classification was applied to the property given its significance. The community of Geraldton has also recognised during the 2029 and Beyond extensive community engagement process, that recognition, protection and restoration of heritage sites and buildings is an important value.

The intention of the 'Heritage Conservation and Development' Local Planning Policy is to ensure that existing buildings are not unnecessarily demolished where the building is structurally sound and a reasonable alternative exists.

The property is considered to be reasonably sound and is not considered to be in a state of disrepair requiring demolition. Up until February 2012, the dwelling has been occupied and is currently in a clean state. Further the place is representative of weatherboard houses of its era and contributes positively to the streetscape of the area.

Clause 4.3.2 of the 'Heritage Conservation and Development' local planning policy requires that where the structural integrity of the building has failed, it needs to be evidenced to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs. The structural report supplied states that the dwelling could be repaired at a cost but would involve wide scale stripping of the cladding and floors, including joists and bearers. It is considered that the cost of such repairs would be considerably less than the construction of the new dwelling.

In this regard, the Heritage Loan Subsidy Scheme has been developed to assist owners of heritage places with funds to undertake conservation works. The scheme makes conserving places of heritage significance easier and more affordable by offering a subsidy (currently set at 4%) on the interest rate on loans for conservation work.

In light of the above incentive, it may be opportune for consideration to be given by the owner to consider alternate options for the site including construction of a new second dwelling to the rear of the existing or a substantial addition to the rear, retaining the main frontage section of the house comprising four main rooms and front verandah.

The approval of the demolition could potentially set a precedent and result in further applications being lodged challenging the validity and effectiveness of the City's statutory documents.

Therefore, in consideration of the reasons and information provided by the applicant and based on the above comments, Option 2 is not supported. It is recommended that the application be refused and that the City's Heritage Conservation and Development' Local Planning Policy should not be departed from in the circumstances of this application.

Option 3 is not supported as it is considered that sufficient information has been provided in order to determine the application. In any event a deferral may trigger a review right under Part 14, Division 2 of the Planning & Development Act 2005 which states that the local government is to be taken to have refused an application if it has not given its decision within a period of 60 days after receipt of the application.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to clause 7.3 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. REFUSE planning approval for the demolition of the existing single residential dwelling on Lot 14 (No. 18) Lewis Street, Geraldton.
2. MAKES the determination on the following grounds:
  - a. The building is listed in the City's Municipal Inventory of Heritage Places with a Management Category of 3X: *Moderate Significance – Important to the heritage of the locality, and as such Council recommends conservation of the place;*

- b. Council is not convinced that the structural integrity of the building has failed to a point that would warrant demolition;
  - c. The building makes an important contribution of the built environment of the locale and character of surrounding heritage listed buildings on Lewis Street, Ruby Street and Violet Street;
  - d. Council is of the view that the demolition should not be approved simply because redevelopment is a more attractive economic proposition and the building has been somewhat neglected;
  - e. The application is not consistent with the objectives of the Town Planning Scheme, State Planning Policy 3.5, City Centre Planning Policy and the 'Heritage Conservation and Development' local planning policy;
  - f. Approval of the application would create an undesirable precedent for further demolitions which could potentially erode the heritage character of the immediate area;
3. ADVISE the proponent to further liaise with the Town Planning Services Team and the Midwest Regional Heritage Advisor with regard to potential redevelopment options which may include either building a separate residence on the lot or retaining the main frontage section of the character house (comprising four main rooms and front verandah), and the construction of a substantial addition to the rear.

SC039	FINAL APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT NO. 6 – RESIDENTIAL REZONING, DEEPPDALE
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<b>AGENDA REFERENCE:</b>	<b>D-12-11096</b>
<b>AUTHOR:</b>	<b>K Elder, Senior Strategic Planner</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>09 March 2012</b>
<b>FILE REFERENCE:</b>	<b>LP/15/0003</b>
<b>APPLICANT / PROPONENT:</b>	<b>Chappell Lambert and Everett</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

**SUMMARY:**

The advertising period has concluded for Scheme Amendment No. 6 to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lots 170, 1241 and 1972 (No. 427) Horwood Road, and portion of Lot 9000, Deepdale to 'Residential R2.5' and 'Residential R5' (2,000m<sup>2</sup> to 4,000m<sup>2</sup> lots).

This report recommends final approval of the Amendment and Local Structure Plan, with minor modifications and that they be forwarded to the Minister for Planning for final endorsement.

**PROPONENT:**

The proponent is Chappell Lambert and Everett.

The owner of the subject land is Aeges Pty Ltd and Peter David Horwood.

**BACKGROUND:**

Council initiated the scheme amendment at its meeting held on 28 June 2011.

The western portion of the Deepdale Farm was rezoned to 'Special Rural' by on 12 December 1993. In 1998 an application was lodged to rezone the northern section (the land subject to this rezoning) to low density residential R2.5 and R5. Council supported the initiation of the rezoning however the WA Planning Commission did not give consent to advertise the amendment and the amendment subsequently lapsed.

In 2003 the landowner again lodged a similar zoning request and again Council resolved to support the rezoning. The WA Planning Commission granted consent to advertise the amendment subject to the minimum lot size being 1ha.

In 2009, a request was made to rezone a portion of the unsubdivided balance of Deepdale Estate from 'Rural Residential' to 'Low Density Residential R2.5'. Council has previously given its support of this rezoning as part of the draft Local Planning Scheme No. 5 (Greenough).

At the time, the WA Planning Commission considered the amendment to be a substantial modification to the draft scheme and would therefore require readvertising. The City's preference was to finalise Local Planning Scheme



No. 5 (Greenough) as soon as practical and as such it was considered more appropriate to consider this rezoning request through a formal scheme amendment to the Scheme once Scheme No. 5 was adopted.

The current proposal is to rezone the site to 'Residential R2.5' and 'Residential R5' to facilitate development of the site for low density residential lots in the range of 2,000m<sup>2</sup> to 4,000m<sup>2</sup>.

The applicant puts forward the following argument in support of the rezoning and modification to the Deepdale Structure Plan;

- Rezoning the site will satisfy increasing market demand for larger residential lots that do not allow the rearing of livestock and other agricultural pursuits.
- The preclusion of livestock rearing and other agricultural pursuits will increase the extent to which revegetation might be expected to occur and reduces potential land degradation associated with semi-rural pursuits near the river.
- The development of the site presents opportunities to improve environmental outcomes through expansion and enhancement of the river foreshore, and through the planting of trees in open space, along streetscapes and in developed lots.
- The net increase in yield is approximately 100 lots which is relatively modest.
- The reduced lot sizes proposed in the river cell of the Estate represent a graded intensification, but will not conflict or be out of keeping with the Rural Residential nature of Deepdale, given the large lot sizes still proposed.
- The public open space strip along the transmission lines alignment provides a separation between the convention rural residential lots to the south, and the R2.5 area, with the R5 area located north of this.
- The proposal incorporates approximately 24ha of public open space. Of this, approximately 10ha is already reserved under the local planning scheme, with an additional 1 ha proposed to ensure a minimum 50m buffer to the river. The remaining open space has been included to provide additional areas for passive recreation.
- Overall the accompanying modification to the Deepdale Structure Plan will also provide:
  - Extension of the existing and planned Estate road layout in a 'modified grid'.
  - Inclusion of a boundary road along the river foreshore.
  - 46 R2.5 lots (minimum 4,000m<sup>2</sup>) abutting the transmission lines easement and open space.
  - 141 R5 lots (minimum 2,000m<sup>2</sup>) north of the R2.5 area, to the river foreshore.
  - Expansion of the river foreshore area to encompass:
    - a 50m buffer from the river.
    - the 1:100 year flood line.
    - additional pockets of open space to maximise the amenity offered by the foreshore.

- A total of 24.2 ha or 26% of Public Open Space.

Extracts from the Amendment document are included as Attachment SC039A.

**COMMUNITY CONSULTATION:**

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

The advertising period commenced on 27 October 2011 and concluded on 08 December 2011 and involved the following:

1. All landowners within the Deepdale Structure Plan area and those east of Polo Road were written to and provided with an excerpt of the Amendment document;
2. A public notice appeared in the Midwest Times on 27 October 2011;
3. A sign was placed on-site;
4. The Amendment details were available on the City's website;
5. The Amendment was publicly displayed at the Civic Centre; and
6. The Amendment was referred to the following agencies:
  - ATCO Gas
  - Department of Agriculture and Food
  - Department of Education
  - Department of Environment and Conservation
  - Department of Health
  - Department of Indigenous Affairs
  - Department of Water
  - FESA
  - FESA – Unexploded Ordnance Department
  - Main Roads WA
  - Mid West Chamber of Commerce and Industry
  - Mid West Development Commission
  - NACC
  - Public Transport Authority
  - Telstra
  - Western Power
  - Water Corporation

**Submissions:**

As a result of advertising a total of 28 submissions were received (5 in support, 8 with no objection, and 15 objecting to the Amendment which includes a petition with 28 signatories). Listed below is a summation of the main comments/concerns raised from the public comment period:

**Objections**

- Concerns were raised regarding the impact of traffic generated by the increased development, including increased noise, associated safety issues, lack of appropriate signage and street lighting in the area, and concern over an increase in 'hoon driving' and speeds. Comments also focused on the lack on entry points to the area which meant that the

additional traffic generated would directly impact existing residents and the existing quiet roads would become a thoroughfare.

- A repeated concern for residents was issues regarding safety of equestrian use in the area, particularly with the increase in vehicular traffic in the area. The standard of the existing bridle path along with the lack of equestrian facilities and connectivity of the trail would cause conflict with the increased traffic movements in the area.
- Many submissions reflected similar concerns regarding the impact of higher density development on the lifestyle the currently experience, particularly focussing on their escape from 'suburbia' and feelings that it was encroaching on the area. Many comments expressed the enjoyment of the rural look and 'feel' of the area and that higher density development it was likely to attract those that are not like-minded to the area.
- Submissions indicated a concern that increased densities would increase theft and other anti-social activities in the area.
- Many submissions expressed concern over a decrease in property values as those looking for a rural residential lifestyle would not purchase near higher density development.
- Residents were concerned over environmental impacts of the development, particularly water runoff into the Chapman River, drainage and soil concerns.
- Some submitters expressed that they felt misled by the endorsed Structure Plan and stated that they would not have purchased in the area if they were aware of a likely rezoning.
- A number of submissions conveyed the idea that due to the number of times the City had dealt with and advertised the rezoning, the City decision to support the rezoning was already made and their objections would not be heard.

#### Support

- Smaller lot sizes would increase affordability within the area.
- 3 points of entry for vehicles meant that traffic concerns would be reduced.
- There was less equestrian use in area than what is possible and the development of land without this capability is reflective of how it is being used currently.
- A significant amount of land given is to be given up for public open space along the foreshore and the residents will gain from this and the increased access it provides for all users.

A 'Schedule of Submissions' is included as Attachment No. SC039B and copies of the actual submission are available to Council upon request.

**COUNCILLOR CONSULTATION:**

There has been no Councillor consultation.

**STATUTORY IMPLICATIONS:**

The subject property is currently zoned 'Rural Residential' under Local Planning Scheme No.5 (Greenough). The primary intent behind the Amendment is to provide a range of densities to capitalise on the site's location, serviceability and attributes and to meet growing demand for semi-rural lifestyle lots but without any stock-carrying capacity.

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications.

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

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

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

**Regional Outcomes:****Local Planning Strategy:**

The purpose of this document is to identify the likely land uses that will be established and indicate the preferred location for these land uses. The subject land is identified as 'Rural Residential'.

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

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject land is identified as 'future urban' on the structure plan.

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

The rezoning and modified structure plan proposes an increase in yield of approximate 100 lots for low density residential.

**Social:**

A number of submissions cited social issues as reasons for opposing the Amendment. Responses to these issues are provided in the 'Schedule of Submissions'.

**Environmental:**

The site is almost entirely cleared of native vegetation caused by historical intensive agricultural activities and is bounded by the Chapman River to the north.

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

**Cultural & Heritage:**

The Department of Indigenous Affairs Aboriginal Heritage Inquiry System shows the Chapman River abutting the site as a lodged site Awaiting Decision Assessment Only. No other site is shown registered on the subject land.

**RELEVANT PRECEDENTS:**

Council at its meeting held on 15 April 2009 supported a request to rezone the subject land from 'Rural Residential' to 'Residential R2.5'.

The former Shire of Greenough at meetings held on the 30 June 1998 and 25 February 2004, supported the initiation of a scheme amendment to rezone the land low density residential with a mixture of R2.5 and R5 lots.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. REFUSE to adopt for final approval Scheme Amendment No. 6 to Local Planning Scheme No. 5 (Greenough); and
2. MAKES the determination based on:
  - a. To be determined by council

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the application.

**CONCLUSION:**

The strategic intent for the site has already been demonstrated through the Greater Geraldton Structure Plan 2011. It is considered that the rezoning of the subject land to low density residential is consistent with the City's and State Government push to use land more efficiently in order to provide more sustainable developments.

Whilst it is acknowledged that the development will have an impact on some existing residents, it is considered that the east-west public open space alignment will effectively form a transitional area between the two cells and modifications to the Local Structure Plan including to the road network, bridal trail and fencing requirements, will ensure that these impacts are minimal and the proposed residential area will complement the existing rural residential area.

The proposal for smaller lot sizes within closer proximity to the Chapman River is consistent with existing developments within the localities of Woorree and Strathalbyn. The provision of a variety of lots sizes brings about the goal of having different housing choices available in subdivisions.

The redesign of the area with respect to the modified Local Structure Plan provides an urban design pattern that is more appropriate to its context by providing a road that forms a buffer between residential uses and the Chapman River. The design also increases management of the river foreshore by increasing reserve widths and providing a greater development setback which represents a significant benefit to the wider community. There is also an increase in public amenity with 26% public open space retained for residents and a design that is in keeping with the principles of crime prevention through urban design.

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

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

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

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

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT for final approval Scheme Amendment No. 6 to Local Planning Scheme No. 5 (Greenough); and

3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

**PART B**

That Council by Simple Majority, pursuant to clause 5.17 of Local Planning Scheme No. 5 (Greenough), RESOLVES to:

1. ADOPT the modified Deepdale Local Structure Plan, subject to the modifications as outlined in the 'Schedule of Submissions'; and
2. FORWARD the Local Structure Plan to the WA Planning Commission for its endorsement.

SC040	PROPOSED TOWN PLANNING SCHEME AMENDMENT – RESORT DEVELOPMENT REZONING GREENOUGH RIVER ROAD, CAPE BURNEY
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<b>AGENDA REFERENCE:</b>	<b>D-12-11245</b>
<b>AUTHOR:</b>	<b>R Ireland, Strategic Planning Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>07 March 2012</b>
<b>FILE REFERENCE:</b>	<b>LP/16/0003</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

An application has been received to initiate a Scheme Amendment to rezone Lot 200 Greenough River Road, Cape Burney from 'Resort Development – Restricted Uses', 'Residential R20' and 'Parks and Recreation' to 'Resort Development' and 'Parks and Recreation'.

This report recommends that Council initiate the Amendment.

**PROPONENT:**

The proponent is Greg Rowe and Associates on behalf of the City of Greater Geraldton.

**BACKGROUND:**

The subject land lies along the northern bank of the Greenough River, to the northeast of the river mouth. It has a total area of 7.7188 hectares and is bisected by Greenough River Road, which connects to an established visitor car park to the west. Three smaller roads (Gaskin Drive, Rowing Club Point and Murray Road) are also present on the subject land. The subject land currently contains 23 leasehold cottages and a building utilised as a base for the Greenough River Rowing Club. Various structures (i.e. ablution block, barbeque, playground equipment) are also present on the portions of the subject land abutting the Greenough River.

The subject land was acquired by the former Shire of Greenough in 1962 and is under the freehold ownership of City of Greater Geraldton. The leases for the 23 leasehold cottages are due to expire on 30 June 2019. The former Shire of Greenough at its meeting held 25 January 2006 resolved to offer lessees the option to purchase the current lease.

The former Shire of Greenough advertised in February 2007 for expressions of interest to either project manage the development, or purchase outright the land with a requirement to develop the leasehold blocks in accordance with Council's agreed terms offered to the leaseholders.

Council at its meeting held on 19 April 2007 resolved to dispose of Lot 200 to Bayform Holdings. After a long period of negotiations, the arrangement with Bayform Holdings was terminated.



To uphold the former Shire's commitment to freehold the leasehold lots on Gaskin Drive, the City engaged Greg Rowe and Associates to prepare a scope of works, subdivision concept plan and feasibility study for the development of the land.

The concept plan was endorsed by Council at its meeting held 25 August 2009 and Council further resolved to (inter alia):

*"Delegate authority to the Chief Executive Officer to commence detailed planning to facilitate the rezoning and necessary subdivision applications;"*

The Scheme Amendment will facilitate the development of portions of the subject land for tourism, residential, commercial, and recreational uses generally in accordance with the Development Concept Plan.

In general, the Concept Plan depicts the retention of the leasehold cottages and Rowing Club building and the creation of additional tourist / residential housing, a café / restaurant, and recreation areas on the balance of the subject land. The westernmost portion of the subject land will remain undeveloped and will be included within the 'Park and Recreation' Reserve as a coastal setback.

To support the Scheme Amendment, a variety of technical investigations have been undertaken by specialist consultants to determine whether the subject land is capable of supporting increased development in a sustainable manner.

Extracts from the Amendment document are included as Attachment No. SC040.

**COMMUNITY CONSULTATION:**

There has been on-going community consultation with the Cape Burney leasehold community by way of newsletters, meeting held on 4 February 2008, and various other written correspondence dated 20 December 2007, 4 May 2009, 19 August 2009 and 23 April 2010.

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

**COUNCILLOR CONSULTATION:**

A full presentation to Councillors and officers was made on the 13 July 2009 on the development concept for the site. Briefing Notes have been distributed to Councillors 4 May 2008, 10 February 2010 and 6 March 2012.

**STATUTORY IMPLICATIONS:**

The subject land currently contains a mixture of zonings under Town Planning Scheme No. 1A (Greenough River Resort) being:

- ‘Residential’ with a Residential Design Codes density coding of ‘R20’ (existing leasehold cottages and land immediately to the west along the northern boundary);
- ‘Resort Development – R1’ over the western portion of the subject land; and
- ‘Parks and Recreation’ Local Scheme Reserve over the balance of the subject land.

The Amendment proposes to rezone the land to ‘Resort Development’, and ‘Parks and Recreation’ Local Scheme Reserve. The primary intent behind the Amendment is to facilitate the development of portions of the subject land for tourism, residential, commercial, and recreational use to assist in facilitating the development of a tourist-orientated node along the Greenough River, while meeting the growing demand for short-stay accommodation and capitalising on the site’s location for residential housing and recreational attributes.

The proposed ‘Resort Development’ zone will require the land be developed in accordance with an Outline Development Plan (‘ODP’) as per clause 6.1 of the Scheme. It is during the process of formalizing the ODP that the current Development Concept Plan will be finalised.

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

An amount of \$22,790 has been paid this year for final planning and rezoning costs. The subdivision and works budget is estimated at \$8,610,479 over three years.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic Community Plan Outcomes:**

Goal 4:	Opportunities for Sustainability.
Outcome 4.1:	Vibrant and sustainable urban and rural development.
Strategy 4.1.4:	Develop, apply and regulate effective planning schemes, building regulations and policies.
Outcome 4.3:	Environmental sustainability.
Strategy 4.3.3:	Protect biodiversity and provide landscape management through effective conservation and rehabilitation.

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

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject land is identified as urban on the structure plan.

**Geraldton-Greenough Coastal Strategy & Foreshore Management Plan:**

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

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

The amendment will potentially facilitate the development of a range of uses which includes retail, community facilities, short-stay accommodation and residential housing.

**Social:**

There are no social issues.

**Environmental:**

A flora and fauna survey was undertaken over the subject land. Development in accordance with the Concept Plan will result in the clearing of vegetation, however the vegetation is of low conservation value as it is in poor condition and well represented throughout the Region.

A coastal setback analysis was undertaken and resulted in a setback distance of 150m. The setback area encroaches approximately 12m into the north west section and 43m into the south west section of the land. All this land is proposed to become part of the coastal reserve.

An analysis was also undertaken to determine potential flooding issues with the Greenough River. This analysis took into consideration topography, foreshore stability, 100 year flood levels, storm surge and sea level rise. The analysis concluded that any inundation would only affect a small section of the south west corner of the land which is proposed for beach access.

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

**Cultural & Heritage:**

Two aboriginal sites have previously been recorded within or close to the subject land, Greenough Rover (Site Number 24761) and Greenough River Well (Site Number 1067). There are a further 19 Aboriginal sites registered with the Department of Indigenous Affairs within a 5km radius of the subject land.

All three native title claimant groups gave approval for the proposed development of the subject land to proceed although the condition that the historic well site is preserved and that access for Aboriginal people is allowed in the area.

The Greenough River is listed as an 'Indicative Place' on the Register of the National Estate. The subject land is separated from the Greenough River by Crown Reserve 20995 which will remain as a buffer between the river and the subject land.

**RELEVANT PRECEDENTS:**

Council has previously considered the development of Lot 200 Greenough River Road, Cape Burney at meetings held on 29 June 2005, 25 January 2006, 19 April 2007 and 25 August 2009.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority required.

**OPTIONS:**

**Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. REFUSE to initiate an amendment to Town Planning Scheme No. 1A (Greenough River Resort) which proposes to rezone Lot 200 Greenough River Road, Cape Burney to the 'Resort Development' zone and 'Parks and Recreation' Local Scheme Reserve; and
2. MAKES the determination on the grounds that the amendment would create an undesirable precedent and compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the application.

**CONCLUSION:**

The rezoning will facilitate the development of portions of the subject land for tourism, residential, commercial, and recreational uses and assist in facilitating the development of a tourist-orientated node along the Greenough River, while meeting the growing demand for short-stay accommodation and capitalising on the site's location for residential housing and recreational attributes.

Option 2 is not supported as Council has given its support for development of the land and the rezoning is required in order to progress that development.

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

**EXECUTIVE RECOMMENDATION:**

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

1. AMEND Town Planning Scheme 1A (Greenough River Resort) by rezoning Lot 200 Greenough River Road, Cape Burney to 'Resort Development' and 'Parks and Recreation'; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

**SC041 FINAL ADOPTION OF CLIMATE CHANGE POLICY**

<b>AGENDA REFERENCE:</b>	<b>D-12-11253</b>
<b>AUTHOR:</b>	<b>M Chadwick, Manager Environmental Health and Sustainability</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>09 March 2012</b>
<b>FILE REFERENCE:</b>	<b>EM/9/0003</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x 2</b>

**SUMMARY:**

This agenda item recommends Council finally adopts the draft Climate Change Policy to demonstrate its commitment towards the City addressing climate change in its future decision making.

The Climate Change Policy provides a formal mechanism to ensure ongoing efforts towards preparing the City for the potential future impacts of climate change. In adopting the Policy, it provides certainty towards the implementing the Climate Change Adaptation Plan reports that were received by Council in 2010 for the Batavia Regional Organisation of Councils (incorporating the former City of Geraldton-Greenough) and Midwest Regional Council (incorporating the former Shire of Mullewa) respectively. The draft Climate Change Policy is attached as Attachment No. SC041A.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

On 20 December 2011 Council made the following decision:

*COUNCIL DECISION*

*MOVED CR BRICK, SECONDED CR GABELISH*

*That Council by Simple Majority under powers of Section 5.14 of the Local Government Act 1995 RESOLVES to:*

- 1. ADOPT as a draft Climate Change Policy for approval;*
- 2. ADVERTISE for 21 calendar days, the draft Policy for community input and report back to Council if there are any changes requested;*
- 3. ADOPT the draft Policy after considering community input and suggested changes to the Policy; and*
- 4. RE-ENDORSE the updated Towards Sustainability Policy Framework.*

*CARRIED 12/3*

**COMMUNITY CONSULTATION:**

The City advertised the draft Policy inviting public submissions which closed on 23 February 2012 and hosted a Public Information Session on the Draft Climate Change Policy held on 09 February 2012 at the Civic Centre Function Room, Cathedral Avenue, and was attended by one member of the public.

No written submissions were received on the draft policy from any members of the public.

**COUNCILLOR CONSULTATION:**

Councillors were notified of the advertising period for submissions to be received.

**STATUTORY IMPLICATIONS:**

Much of the legislative framework relevant to decisions impacted by climate change relate to land use planning in terms of appropriate setbacks and the design of hard infrastructure such as roads, paths, drainage and buildings. There are potential litigation cases relating to developments particularly in coastal areas where infrastructure or buildings are affected by rising sea levels and storm surge events. Much of the legislation relates to the due diligence required by Councils in making appropriate decisions on matters concerning property development and their associated risk liability.

Australian Government legislative frameworks can be found at: <http://www.climatechange.gov.au/> and action on adapting to climate Change at: <http://www.climatechange.gov.au/government/adapt.aspx>

**POLICY IMPLICATIONS:**

This agenda item proposes a new Policy that is consistent with the model prepared by WA Local Government Association and is intended to demonstrate Council's commitment and ensures the City refers to the policy in relation to its future planning. This policy relates directly to the existing Towards Sustainability Framework Policy re-adopted by Council on 20 December 2011.

**FINANCIAL AND BUDGET IMPLICATIONS:**

It is difficult to provide an estimate of budget implications on the implementation of this policy and for that matter the implementation of the adaptation plan. Broadly speaking actions can be accommodated where possible in routine budgeting processes. Attachment No. SC041B is a facts sheet on Climate Change – potential impacts and costs for Western Australia as a guide.

A workshop was held on 14 December 2011 to identify with staff what actions could be commenced or anticipated in the future and staff discussed the challenges for future actions. Further workshops could be required in the future.

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

This proposed Policy relates to the following references to the Strategic Community Plan 2011-2021:

Goal 4: Opportunities for Sustainability.

Outcome 4.3: Environmental sustainability.

Strategy 4.3.1: Advocate and progress towards zero waste and carbon neutrality principles and practices and progress towards climate change mitigation and adaptation principles and practices.

**Regional Outcomes:**

This Policy relates only to the City of Greater Geraldton but indicates strong leadership in the region to commit to actions on adapting to climate change. It also demonstrates a commitment towards achieving the actions identified by BROOC and Midwest Regional Council.

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

There are positive economic impacts of the policy in that Councils preparing for climate change will have a more informed capacity to ensure current and future assets are properly planned, protected and managed in the future.

**Social:**

There are no social issues.

**Environmental:**

The policy is intended to enable the City to address some environmental issues affected by potential impact of climate change.

**Cultural & Heritage:**

There are no cultural or heritage issues.

**RELEVANT PRECEDENTS:**

The WA Local Government Association has provided a model to guide Councils in WA in order to assist them make a suitable Climate Change policy for their specific needs.

**DELEGATED AUTHORITY:**

No delegated authority exists for the making of a Council Policy.

**VOTING REQUIREMENTS:**

Simple Majority is required.



**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority under powers of Section 5.14 of the *Local Government Act 1995* RESOLVES to:

1. DEFER the making of the Climate Change Policy;
2. MAKES the determination based on the following reason:
  - a. Further public advertising is required to encourage more community interest to encourage submissions.

**Option 3:**

That Council by Simple Majority under powers of Section 5.14 of the *Local Government Act 1995* RESOLVES to:

1. NOT adopt the Climate Change Policy;
2. MAKES the determination based on the following reason:
  - a. Council does not wish to make a policy commitment at this time.

**CONCLUSION:**

The City's Community Strategic Action Plan aims to "progress towards climate change mitigation and adaptation principles and practices". The City has already developed climate change actions plans which cover both its Geraldton-Greenough and Mullewa areas of operation prior to the most recent amalgamation.

The City has previously adopted a Towards Sustainability Framework Policy which supports a defined policy being created to ensure Council's commitment towards implementing specific climate change related actions is realised. The proposed Climate Change Policy provides the instrument to progress the community desire and need for action within this framework.

The City advertised the draft policy as per the previous Council resolution and no written submissions were received. There were no changes made to the policy.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority under powers of Section 5.14 of the *Local Government Act 1995* RESOLVES to:

1. ADOPT for final approval the Climate Change Policy.

### 11.4 *Reports of Creative Communities*

CC048 EXPLORING WILDFLOWER COUNTRY MIDLANDS ROUTE PRODUCT DEVELOPMENT PLAN	
<b>AGENDA REFERENCE:</b>	<b>D-12-11328</b>
<b>AUTHOR:</b>	<b>C Budhan, Manager Arts, Culture &amp; Heritage</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>1 March 2012</b>
<b>FILE REFERENCE:</b>	<b>ED/5/0003</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (x1)</b>

#### **SUMMARY:**

The draft “Exploring Wildflower Country -- Midlands Route Product Development Plan” is presented to Council seeking Council endorsement of the Plan.

#### **PROPONENT:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

In June 2009 the original “Exploring Wildflower Country Planning Study” as commissioned jointly by the Shires of Dalwallinu, Morawa, Mullewa, Perenjori, and the then City of Geraldton-Greenough, was finalised. The goal of the Study was to create a “drive trail” linking Dalwallinu to Geraldton via the Mullewa-Wubin Road. The intention was to encourage more travellers to use this route on their way north or south, or as a destination-specific holiday attraction. This project has been completed.

The sites nominated in the original report intersect the main through route: the Great Northern Highway – Mullewa Wubin Road – Geraldton Mt Magnet Road link. The project was listed as “Stage 1” and promoted as: “Exploring Wildflower Country – The Wildflower Way”. The Study envisaged that other routes such as the Midlands Road or Brand Highway could be similarly developed and promoted, in order to expand the whole Exploring Wildflower Country concept.

In October 2011, Jessie Brampton and Mike Maher (consultants involved in the Study) provided a briefing/presentation in Three Springs on the Exploring Wildflower Country project as it relates to Midlands Road. It was attended by representatives of six municipalities intersecting Midlands Road: the Shires of Carnamah, Coorow, Mingenew, Moora and Three Springs, and the City of Greater Geraldton. Tom Hartman, Manager Mullewa District Office, represented the City of Greater Geraldton.

In November 2011, again in Three Springs, the draft “Exploring Wildflower Country -- Midlands Route Product Development” report was presented to

representatives of the aforementioned six local governments by Jessie Brampton.

As highlighted in the Executive Summary of this report, the proposal is to:

- Develop a further 23 interpretive sites broadly spread either side of the Midlands Road;
- Use the same uniquely designed and visually appealing “site markers” that are being installed on the Wildflower Way – this will brand the experience and tie it into the Wildflower Country connection;
- Continue the Wildflower Way’s potent interpretive program, focusing strongly on creative visual images (rusty steel sculptures), with traditional text-based signage forming a “supporting act” only;
- Expand the application of the concepts being proposed in the ArtBelt Planning Study to the whole of Wildflower Country;
- Expand and promote the outcomes of the “Exploring Wildflower Country” concept (both routes) via updating and recapitalising the Marketing Plan prepared for the Wildflower Way.

The proposal includes interpretive sites in each of the six participating municipalities. Whilst significant work has already gone into identifying these sites, changes to the locations and the site design or layout could occur as the project progresses.

The draft “Exploring Wildflower Country -- Midlands Route Product Development Plan” has been endorsed by the other five participating local governments.

#### **COMMUNITY CONSULTATION:**

Two community briefings have been provided by the consultants. Tom Hartman, Manager Mullewa District Office, represented the City of Greater Geraldton at these briefings.

#### **COUNCILLOR CONSULTATION:**

The original “Exploring Wildflower Country Planning Study” was commissioned and endorsed by the Councils of the former City of Geraldton-Greenough and Shire of Mullewa.

#### **STATUTORY IMPLICATIONS:**

There are no statutory implications.

#### **POLICY IMPLICATIONS:**

There are no policy implications.

#### **FINANCIAL AND BUDGET IMPLICATIONS:**

There are six local governments participating in this project, including the City of Greater Geraldton. Dividing the total project cost of \$740,509 across the six participants would result in a cost of \$112,000 to each. However, it is proposed that the project be funded in part by grants, including the Royalties

for Regions Country Local Government Fund, the Midwest and Wheatbelt Development Commissions, and others (see the development plan for more details). Therefore, the cost to the City of Greater Geraldton will be within the current budgetary allocation of \$50,000

### **STRATEGIC & REGIONAL OUTCOMES:**

Goal 2:	Opportunities for Prosperity.
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.2:	Promote tourism and investment opportunities including cultural tourism.
Goal 3:	Opportunities for Creativity.
Outcome 3.1:	A community that embraces and celebrates diversity.
Strategy 3.1.4:	Preserve and activate the heritage of our community.
Outcome 3.3:	Enhanced community capacity for learning.
Strategy 3.3.4:	Promote and facilitate lifelong learning opportunities and engagement for all the community.

### **Regional Outcomes:**

There are significant regional outcomes associated with this proposal from the development of a “drive trail” linking Moora to Mullewa via the Midlands Road. The intention is to encourage more travellers to use these routes on their way north or south, or as a destination-specific holiday attraction. This will increase visitation to each of the local authorities, and preserve and activate the heritage of the region.

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

#### **Economic:**

There are significant economic implications associated with this proposal from increased visitation to each of the local authorities.

#### **Social:**

There are social implications associated with this proposal from capturing and preserving the region’s environmental, cultural and historical stories.

#### **Environmental:**

There are potential environmental implications associated with this proposal with the installation of interpretative panels and signage at specified locations.

**Cultural & Heritage:**

There are culture and heritage implications associated with this proposal from preserving and activating the heritage of the region.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. DEFER the endorsement of the "Exploring Wildflower Country -- Midlands Route Product Development Plan"; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

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

1. DECLINE the endorsement of the "Exploring Wildflower Country -- Midlands Route Product Development Plan"; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**CONCLUSION:**

This exciting regional project in partnership with the Shires of Carnamah, Coorow, Mingenew, Moora and Three Springs will contribute significantly to regional capacity building. The reports states that "In the end, it must be recognised that this project has the capacity to be the foundation of a significant region changing process."

**EXECUTIVE RECOMMENDATION:**

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

1. ENDORSE the “Exploring Wildflower Country - Midlands Route Product Development Plan”; and
2. ENDORSE working in partnership with the Shires of Carnamah, Coorow, Mingenew, Moora and Three Springs, with the Shire of Three Springs administering the project.

### 11.5 *Reports of Community Infrastructure*

CI013	CYCLIST ENABLING FACILITIES, MARINE TERRACE
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<b>AGENDA REFERENCE:</b>	<b>D-12-05855</b>
<b>AUTHOR:</b>	<b>M Atkinson, Manager Infrastructure Planning and Design</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot Director Community Infrastructure</b>
<b>DATE OF REPORT:</b>	<b>8 March 2012</b>
<b>FILE REFERENCE:</b>	<b>TT/3/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

#### **SUMMARY:**

This report seeks Council approval for the removal of on-street parking bays on Marine Terrace. The report proposes the trade of car parks for cyclist-friendly infrastructure including bicycle racks, bench seating and low maintenance endemic gardens. The design is based on those established in San Francisco, Portland in Oregon and Noosa in Queensland.

These installations have demonstrated that bicycle friendly infrastructure stimulates local business, builds social capital and encourages and supports cycling. Such evidence is consistent with the City's vision for the future in the building of a low carbon City and a bicycle capital. It also aligns directly with the recently adopted City Centre Transport Planning and Car Parking Strategy, one objective of which is the establishment of bicycle parking facilities.

This proposal would create public facilities encouraging more bicycle commuting and should not be confused with alfresco dining. The cyclist facilities proposed would be public assets for the benefit and accessibility of all members of the community, regardless of whether they intend to dine at the adjacent cafes or conduct other activity in the City centre.

#### **PROponent:**

The proponent is City of Greater Geraldton.

#### **BACKGROUND:**

It is recognised that only a small percentage of people currently choose active travel, there is nevertheless enormous scope to increase the modal share of cycling in Geraldton. Evidence suggests 40% of Australians commute less than 10kms to their place of work, or study including those making short local trips. Many workplaces and other attractors are situated in the Central Business District (CBD) and a 10km radius covers a significant portion of existing and future residential land

Significant population growth is forecast for the City of Greater-Geraldton in the future. Strategies to influence sustainable travel behaviour include the

creation of a built environment that encourages active travel such as cycling, walking and use of public transport.

The [then] City of Geraldton-Greenough recognised that in the past a lack of cycling and pedestrian networks were barriers to the uptake of active travel. Realising the multitude of benefits from regular participation, the City has become more proactive in its approach to active travel, responding with the creation of a vision for the future of Geraldton being recognised as a 'bicycle capital' and low emission City.

By designing cycling into the urban fabric of our community it will present an opportunity to create a cycling culture and in turn increase the modal share of cycling. The proposal requires the trade of four car parking spaces and two motorcycle parking bays in total, at two separate locations on Marine Terrace. These locations are adjacent to:

1. Provincial Wine Bar and Café; and
2. Salt Dish Café.

Each location is on the east side of the street and would be provided with bicycle racks, seating and garden. It is anticipated that the cyclist-enabling facilities would work to change the way the community thinks of cycling, integrating it within a system of walking, socialisation and recreation, not just an isolated pastime as it has been traditionally regarded.

#### **COMMUNITY CONSULTATION:**

The City consulted local business tenants Salt Dish Café and Provincial Wine Bar and Café in the initial concept phase and again in the development of the preliminary design. Both businesses are adjacent to the proposed facilities. Both businesses are in support of the trade of car parking for bicycle friendly infrastructure suggesting it will benefit not only the businesses, but the community as a whole. The Salt Dish Café has suggested the preliminary design will evoke a positive and "healthy" image, freeing up the footpath from bicycles allowing pedestrians to walk through freely, and activating both the West and East ends of Marine Terrace.

The City advertised the proposed removal of the on-street parking bays on the 3 June 2011 seeking comment from the community. Following the closure of this advertising period on the 24 June 2011, public comments were collated and it was found that 100% of the twelve (12) responses received, supported the proposal.

On the 20 February 2012 landowners were directly contacted regarding the proposal. Some concerns were raised and an additional five submissions have since been received. Four of these expressed some concern and have been advised of the opportunity to attend the Council Agenda Forum open to the public on 20 March 2012.



The schedule of submissions are shown in Attachment CI013

This proposal is also supported in principle by the 2029 and Beyond project. The creation of 'Bike Capital' including the installation of 'end of trip facilities' and 'places where pedestrians and cyclists have priority over cars', were found to be important to the Geraldton community through World Café community engagement.

**COUNCILLOR CONSULTATION:**

Cr Brick as a Champion for Land Use, Urban Form and Transport, has been consulted through the 'Go Gero' Healthy Communities Project.

This item was presented at the February 2012 Agenda Forum to all Councillors present, but was subsequently deferred to directly consult with the landlords of the tenants.

**STATUTORY IMPLICATIONS:**

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

3.1 Determination of parking stalls and parking stations:

The Local Government may by resolution constitute, determine and vary and also indicate by signs:

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There is no budget currently allocated to this project in the current financial year. The estimated cost of implementing both facilities totals \$35K.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic Community Plan Outcomes:**

Goal 4: Opportunities for Sustainability.

Outcome 4.2: Improved transport and accessibility.

Strategy 4.2.1: Support improved integrated and alternative public and private transportation.

**Regional Outcomes:**

This proposal is seen as strategic and it is anticipated the car parking trade-off will demonstrate the City's commitment to the proposed vision and endorsed strategy for the future to become a 'bicycle capital' and 'low carbon City'. The City proposes to provide more of these facilities across Greater Geraldton into the future as part of its Pedestrian and Cyclist Facilities funding.

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

Significant economic benefits for the City of Greater Geraldton (CGG), local business and the community may result from the installation of cyclist-enabling facilities in the place of vehicle parking. Up to ten bicycles may be secured in what is currently one vehicle parking space making better use of the parking provided, and giving bicycles priority in Marine Terrace. Better use of parking will increase consumer turnover in the Central Business District (CBD). Benefits to household costs via active transport will be an outcome through reduced use of motor vehicles. It is expected that motorised transport costs will continue to rise and active transport offers the opportunity to lower household expenditure.

**Social:**

In trading car parking spaces for combined seating, bicycle racks and garden, the quality of the built environment will be improved. The design encourages social engagement in a strong and vibrant centre. Studies suggest more bicycles and fewer cars will result in a greater sense of security in the area with the potential to attract more pedestrians, and in turn business to the area.

Note: The benefits of bicycle friendly infrastructure to the health of the Geraldton community may also be acknowledged in this report. It is well documented that active transport benefits the health of the participant. Increased cardiovascular health, reduced risk of heart disease and reduced Body Mass Index (BMI) are just some of the benefits of walking and cycling. The installation of infrastructure encouraging active transport may therefore encourage participation providing opportunities for improving the health of the community.

**Environmental:**

Building an environment conducive to active travel will assist in attracting more bicycles to the Central Business District (CBD) and reduce the number of vehicles in the area. Reduced congestion will influence accessibility for non-motorised transport, in turn increasing the number of individuals choosing to cycle and therefore reduce emissions. Gardens will greatly add to aesthetics of Marnie Terrace allowing stormwater runoff permeability and reducing heat-sink effect of the road creating a more pleasant place to congregate.

**Cultural & Heritage:**

The proposal is a unique opportunity to enhance the cultural experiences of the community. Integrated transport modelling indicates travel conditions and activity effect development patterns, giving rise to more active streetscapes which will demand more walkable and bicycle friendly locations.

**RELEVANT PRECEDENTS:**

No precedents identified.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ENDORSE the implementation of this project in the 2012/13 budget.

**Option 3:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to endorse this project; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 4:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ENDORSE proceeding with the implementation of the proposal adjacent Salt Dish only.

**CONCLUSION:**

There is demonstrated benefit in designing active travel into the urban fabric of a community as it works to positively influence peoples travel behaviour. Current investment into behaviour change will have little effect on the volume of bicycle traffic unless cyclist facilities are at the same time introduced and improved. This report proposes installing a proven design of bicycle friendly infrastructure. The installation of combined seating, bicycle racks and garden will assist in enabling the community to choose non-motorised modes of

travel, and achieving the vision of a 'bicycle capital' working towards becoming a 'low carbon City'.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ENDORSE the implementation of this project subject to funding being identified; and
2. MAKES the determination based on the following reason:
  - a. the project will provide a variety of significant benefits to the Greater Geraldton Community.

## 11.6 *Reports of Commercial Enterprises*

CE032 DELEGATION BY LOCAL GOVERNMENT TO THE CHIEF EXECUTIVE OFFICER PURSUANT TO THE LOCAL GOVERNMENT ACT 1995 AND ADOPTION OF RELATED PROPERTY MANAGEMENT LEASES POLICY
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<b>AGENDA REFERENCE:</b>	<b>D-12-11068</b>
<b>AUTHOR:</b>	<b>L MacLeod, Land &amp; Leasing Facilitator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>7 March 2012</b>
<b>FILE REFERENCE:</b>	<b>SM/1/0001</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

### **SUMMARY:**

This report seeks:

Council approval of a delegation to the Chief Executive Officer to approve certain disposals of property, via lease, pursuant to section 3.58 of the Local Government Act 1995; and

Council adoption of proposed Council Policy CP 040: Property Management Leases for the City of Greater Geraldton, covering property management leases, establishing the policy guidelines and constraints for exercise of that delegation.

### **PROponent:**

The Proponent is The City of Greater Geraldton.

### **BACKGROUND:**

The City's property management program provides leasing of City owned land and buildings to individuals and businesses for a variety of purposes throughout the district. Currently, all leasing matters are presented to Council for approval to proceed with the statutory compliance process per section 3.58 of the Local Government Act 1995.

The City's approach to leasing out of City property is in compliance with section 3.58 of the Act, and reflects a long history of precedents set by predecessor Councils – Shire of Greenough, City of Geraldton and City of Geraldton-Greenough.

To simplify and streamline the process of operational lease procedures, the City is requesting that Council authorises Delegated Authority to the CEO to approve lease agreements up to aggregate lease rental value of \$1,000,000 across the full life of a lease (including all extensions) with the explicit condition that if any objecting submissions are received following the statutory advertising process, the matter will be referred to Council for determination.

Consistent with best practice, it is appropriate that, where Council authorises delegation to the CEO, it also puts in place a formal Policy that guides and

constrains the exercise of that delegation. This report proposes adoption of draft Council Policy CP040 'Property Management Leases'.

**COMMUNITY CONSULTATION:**

There is no requirement for community consultation regarding this report.

**COUNCILLOR CONSULTATION:**

There has been no formal consultation with Councillors on this matter.

**STATUTORY IMPLICATIONS:**

Section 3.18 of the Local Government Act 1995 relates to adoption of policies by a Council.

Section 5.42 of the Local Government Act 1995 allows for delegation of some powers and duties to the CEO:

**5.42 Delegation of some powers and duties to CEO**

- (1) *A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation*

**5.43 Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties –*

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (h) *any power or duty that requires the approval of the Minister or the Governor.*

**POLICY IMPLICATIONS:**

Draft Policy 040 Property Management – Leasing is presented to Council for adoption, in the absence of any existing formal policy of Council on property leasing matters.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial or budget implications.

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

- Goal 5: Leading the opportunities.
- Outcome 5.4: Efficient and effective business systems.
- Strategy 5.4.4: Continuous improvement of policy and procedures.

**Regional Outcomes:**

There are no regional outcomes associated with this proposal.

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

### **Economic:**

There are no direct economic impacts with this proposal. Where the City holds property not required immediately for City purposes, but appropriate for commercial uses, then making such property available for commercial lease supports the development of business activities in the City. Commercial leases provide a revenue stream for the City, and this delegation and the related proposed policy seek to formalise the principles and processes under which commercial leasing processes will be undertaken.

### **Social:**

There are no social impacts associated with this proposal.

### **Environmental:**

There are no environmental impacts associated with this proposal.

### **Cultural & Heritage:**

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

## **RELEVANT PRECEDENTS:**

The Council delegates authority to the CEO to exercise its powers from time to time.

## **DELEGATED AUTHORITY:**

There is no Delegated Authority.

## **VOTING REQUIREMENTS:**

Absolute majority is required.

## **OPTIONS - PART A (CEO Delegation):**

### **Option 1:**

As per Executive Recommendation in this report.

### **Option 2:**

That Council by Simple Majority pursuant to Section 5.42 of the Local Government Act 1995 RESOLVES to:

1. NOT ENDORSE the delegation to the Chief Executive Officer of the City of Greater Geraldton; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

That Council by Absolute Majority pursuant to Section 5.42 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the delegation to the Chief Executive Officer of the City of Greater Geraldton with the following changes;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 4:**

That Council by Simple Majority pursuant to Section 5.42 of the Local Government Act 1995 RESOLVES to:

1. DEFER consideration of this item for the following reasons:
  - a. To be determined by Council

**OPTIONS - PART B (Adoption of Policy):****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. ENDORSE the Council Policy Number 040 Property Management Leases with the following changes;
  - a. To be determined by Council.

**Option 3:**

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

1. NOT endorse Council Policy Number 040 Property Management Leases;
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 4:**

That Council by Simple Majority pursuant to Section 5.42 of the Local Government Act 1995 RESOLVES to:

1. DEFER consideration of this item for the following reasons:
  - a. To be determined by Council

**CONCLUSION:**

Approval to delegate authority to the Chief Executive Office for approval of leases of City owned property with aggregate lease rental valued up to a maximum of \$1,000,000 across the life of a lease (including any lease



extensions provided for in the lease) will provide a more timely and efficient lease procedure. The provisions of section 3.58 of the Local Government Act 1995 in relation to 'disposal' by leasing out of City property must still be complied with.

Specification of an upper revenue value limit, in relation to exercise of the delegation, is consistent with the provisions of section 5.43(d) of the Act.

The Executive recommendation explicitly requires that:

- The CEO may only approve a lease in the event that no objecting submissions are received after intention to issue a lease has been advertised in accordance with section 3.58 of the Act; and
- The CEO reports to Council the details of all leases approved under the delegation, thus ensuring Council is informed of all lease transactions approved.

Any proposed lease in respect of which an objecting submission has been received, and any lease with aggregate lease rental valued in excess of \$1,000,000 across the life of a lease (including any lease extensions provided for in the lease), must be submitted to Council for consideration and determination.

The proposed policy provides guidance and sets constraints on exercise of the delegation by the CEO.

## **EXECUTIVE RECOMMENDATIONS:**

### **PART A:**

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

1. APPROVE delegation to the Chief Executive Officer of the City of Greater Geraldton power to approve lease agreements;
2. MAKE the determination subject to;
  - a. Compliance with the requirements of section 3.58 of the Local Government Act 1995;
  - b. the aggregate value of lease rentals payable across the whole life of any one lease agreement (including exercise of all extension options) approved by the Chief Executive Officer not exceeding \$1,000,000;
  - c. any objecting submission received upon conclusion of the statutory advertising process required under section 3.58 of the Local Government Act be referred back to Council for determination; and
  - d. reports to be submitted to Ordinary Meetings of Council providing details of leases approved under this delegation.

**PART B:**

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

1. ADOPT Council Policy Number 040 Property Management Leases.

CE034	EXPRESSION OF INTEREST 13/1112 – LEASE TENURE GORDON GARRATT DRIVE, GERALDTON AIRPORT
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<b>AGENDA REFERENCE:</b>	<b>D-12-11062</b>
<b>AUTHOR:</b>	<b>L MacLeod, Land and Leasing Facilitator</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>8 March 2012</b>
<b>FILE REFERENCE:</b>	<b>PM/6/0009</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes Confidential x 3</b>

**SUMMARY:**

Expressions of interest (EOI) were called for five various sized allotments located on Gordon Garratt Drive within close proximity to the Greenough Terminal from interested Car Hire businesses wishing to establish themselves in the Geraldton Airport Technology Park Precinct on a long term leasing arrangement. This report recommends approval of leases for the entities that made submissions.

**PROponent:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

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

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

The purpose of the EOI was to enable current or prospective vehicle hire operators to acquire long term leases of land allotments that, as part of overall airport precinct design, have been identified as suitable for use by Hire Car operators at the Geraldton Airport

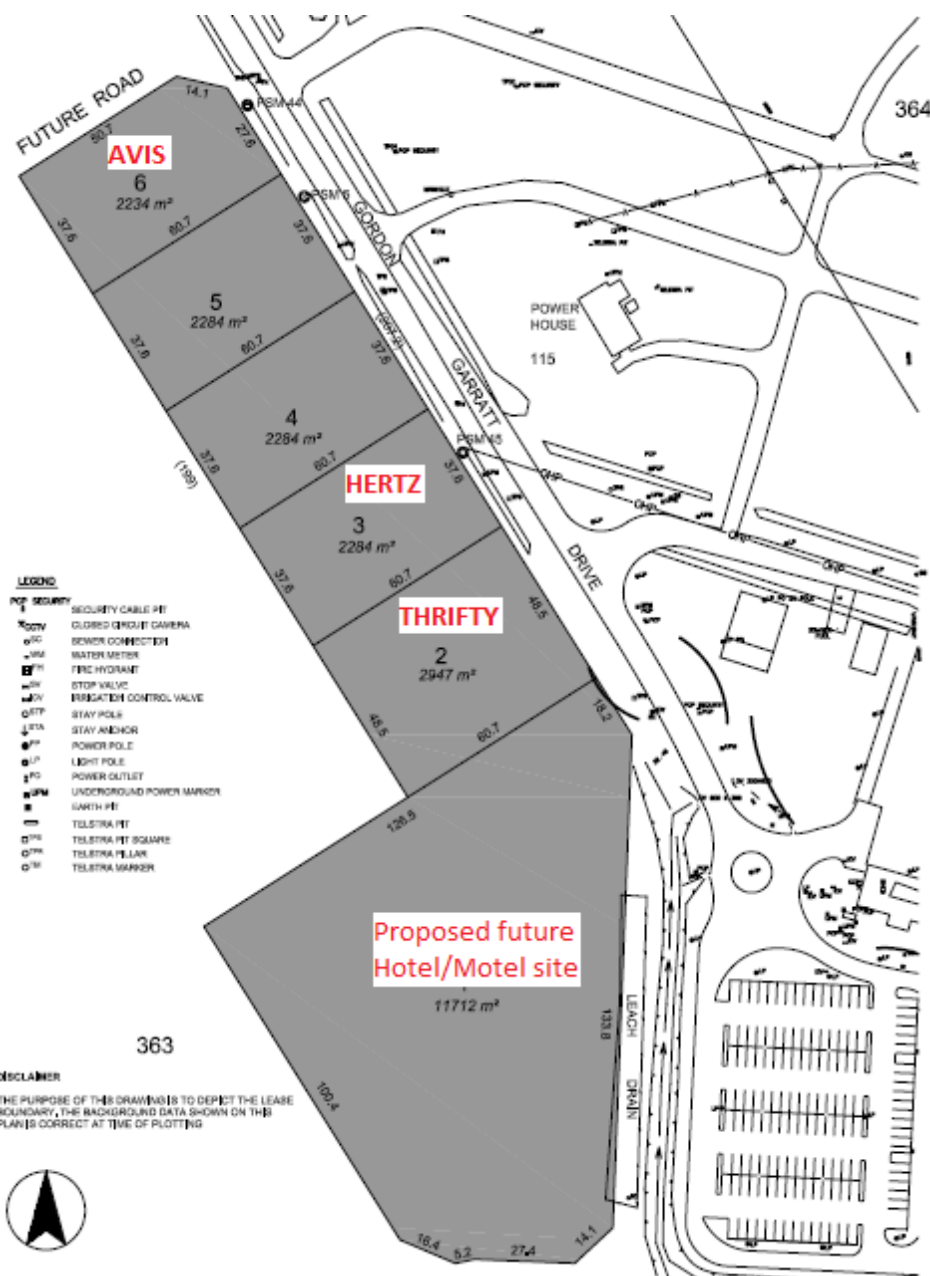
The allotments in question may also have alternative commercial uses, so expressions of interest in long term leasing was not confined to vehicle hire purposes, provided that the intended use of a particular lot was consistent with the allowed uses envisaged in the Geraldton Airport Technology Park Design Guidelines.

The EOI offered long term (25 + 25 years) leasing agreements and requested submitters to nominate a "Long Term Leasing Rights Fee". To grant a lease for a period exceeding 20 years, including any options of renewal, WA Planning Commission approval is required. Approval was granted on 17 February 2012 for these five lots.

At the close of the EOI on 15 November 2011, a total of three submissions had been received. These submissions were from three of the established Car Hire companies currently operating out of the Geraldton Airport

Each company selected their preferred site with no conflict of preference, thereby simplifying the allocation process. Each respondent is able to be allocated their first preference lot.

Part 4 of the EOI enabled respondents to offer a Long Term Leasing Rights Fee in return for long term tenure of their preferred lot. Two of the three submitters offered an amount, however the third submission did not do so as they were interested in short term tenure only.



**COMMUNITY CONSULTATION:**

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

**COUNCILLOR CONSULTATION:**

There has been no consultation with Councillors regarding the EOI process.

**STATUTORY IMPLICATIONS:**

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

Section 3.58:

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Lease fees (excluding GST) are based on the current ground market valuation proportionate to the lot size. The lease fee will be adjusted annually as at 1 July in line with the preceding March Consumer Price Index for Perth and adjusted each triennium following a ground market valuation.

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

Goal 2:	Opportunities for Prosperity
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.2:	Promote tourism and investment opportunities including cultural tourism.

**Regional Outcomes:**

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

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

Lease fees received assist in the ongoing development and maintenance of the Geraldton Airport.

**Social:**

There are no social impacts with this proposal.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

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

**RELEVANT PRECEDENTS:**

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

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

1. NOT ADOPT this item;
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

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

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

**CONCLUSION:**

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

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

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

1. GIVE local public notice of the intent to lease 2234 square metres of land known as Lot 6 Gordon Garratt Drive, Geraldton Airport to W.T.H Pty Ltd trading as Avis Australia for the purpose of car hire operations;
2. MAKE the determination subject to:
  - a. advertising notice period of no less than two weeks inviting public submissions;
  - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
3. SET the proposed conditions as:
  - a. enter into a twenty five (25) year lease agreement;
  - b. make provision for a further renewal option of twenty five (25) years;
  - c. accept the Long Term Leasing Rites Fee offer of \$7,500 plus GST;
  - d. set the commencement ground lease rental fee at \$22,000 plus GST per annum;

- 
- e. require a ground market valuation review to be undertaken every three (3) years during the term of the lease and adjust the lease fees accordingly;
    - f. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;
    - g. the lessee being responsible for separately paying all applicable rates, taxes and other utilities;
  4. DELEGATE authority to the CEO to grant approval subject to there being no submissions received; and
  5. REFER the matter back to Council for final consideration if any objecting submissions are received.

## **PART B**

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

1. GIVE local public notice of the intent to lease 2947 square metres of land known as Lot 2 Gordon Garratt Drive, Geraldton Airport to Thrifty WA trading as ILHA Pty Ltd for the purpose of car hire operations;
  2. MAKE the determination subject to:
    - a. advertising notice period of no less than two weeks inviting public submissions;
    - b. any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;
  3. SET the proposed conditions as:
    - a. enter into a twenty five (25) year lease agreement;
    - b. make provision for a further renewal option of twenty five (25) years;
    - c. accept the Long Term Leasing Rights Fee offer of \$50,000 plus GST;
    - d. set the commencement ground lease rental fee at \$25,000 plus GST per annum;
    - e. require a ground market valuation review to be undertaken every three (3) years during the term of the lease and adjust the lease fees accordingly;
    - f. adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;
    - g. the lessee being responsible for separately paying all applicable rates, taxes and other utilities;
  4. DELEGATE authority to the CEO to grant approval subject to there being no submissions received; and
  5. REFER the matter back to Council for final consideration if any objecting submissions are received.
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**PART C**

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

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

CE035	LEASE – THEATRE 8 GERALDTON INC - RESERVE 29388 EIGHTH STREET, WONTHELLA
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<b>AGENDA REFERENCE:</b>	<b>D-12-11122</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land &amp; Property Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>23 February 2012</b>
<b>FILE REFERENCE:</b>	<b>A15403</b>
<b>APPLICANT / PROPONENT:</b>	<b>Theatre 8 Geraldton Inc</b>
<b>ATTACHMENTS:</b>	<b>Yes Confidential</b>

**SUMMARY:**

This report seeks Council approval to approve a new lease for Theatre 8 Geraldton Inc for a period of five (5) years with a further term option of five (5) years.

**PROponent:**

The proponent is Theatre 8 Geraldton Inc.

**BACKGROUND:**

Reserve 29388, Lots 2499 and 2632 Eighth Street, Wonthella is under the control and management of the City with a Management Order for the purposes of Repertory Club Facilities with power to lease for any term not exceeding 21 years.

Council at its meeting on the 12 June 2007 resolved to approve the renewal of the lease for the Theatre 8 Geraldton Inc for a further period of 21 years from the 1 June 2007. At this time, high on the agenda of City strategic projects was the drafting of the Sporting Futures Report that clearly identified Theatre 8 Geraldton Inc and the Reserve that it occupies as part of the study and impacted on the possible long term tenure of the reserve.

Pending completion of the Sporting Futures report the lease for Theatre 8 Geraldton Inc was continued on a monthly tenancy arrangement.

Discussions with representatives from Theatre 8 Geraldton and officers from the Department of Regional Development and Lands, State Lands Services on the 19 July 2011 resulted in further clarity over the lease tenure and opened the way for a further short term lease with an agreement given from Theatre 8 Geraldton Inc to readily enter into discussions for relocation to an alternative site if deemed necessary. Officers from the City have provided assurances to Theatre 8 Geraldton Inc that if they were to be relocated they would be supported and assisted in this move by the City. Funding for any future repertory facilities would be sought through cultural and community development grant programs from the State and Commonwealth Government.

A letter received from Theatre 8, dated 23 November 2011, from a Committee member only, outlined the following understandings between Theatre 8 and the City and undertakings by the City:

- *During the term of the lease (this is, prior to the option to renew becoming exercisable) the City and Theatre 8 will work towards planning for repertory facilities within the City, with a view to Theatre 8 being relocated from its present site to either a new facility or a refurbished facility, at the expense of the City;*
- *The onus will be on the City to locate such a facility and obtain funding for acquisition, building or redevelopment as appropriate for such a facility;*
- *The City is committed to ensuring Theatre 8 is no worse off in any new location than at its present location. Theatre 8 understands this to mean that in every area of Theatre 8's operations and requirements (including, but not limited to, auditorium capacity, stage, workshop, green room, changing rooms and storage area, function room, kitchen and parking facilities) any new site will be at least equal to the facilities presently available and used at the Eighth Street site;*
- *In the event that the new facility becomes available and is completed within the period of the lease or the renewal period, Theatre 8 will surrender the lease when they have finished moving to the new location;*
- *The City and Theatre 8 agree that the Queen's Park Theatre is not a suitable venue to host a repertory club such as Theatre 8;*
- *Apart from specific clauses for the option to renew and surrender clauses, the Lease will be in the usual terms for a standard lease of community facilities owned by the City. The Lease will be prepared at the expense of the City;*

At a further meeting with the new President of Theatre 8 Geraldton on the 17 November 2011, further clarification was provided and agreement was given to proceed with the Executive recommendation.

At the Public Review Agenda for Council Agenda Forum held on the 13 December 2011 the item was withdrawn from the agenda pending clarification of conditions. In support of this clarification, a letter dated 13 February 2012 has been received from the new President Theatre 8 Geraldton indicating support for the lease renewal and continuation of ongoing dialogue between the City and Theatre 8 Geraldton.

The repertory club is not ideally suited in its current location, physically away from all other significant culture and arts facilities of the City, and it would be better located elsewhere, close to or ideally within the CBD where other facilities would support and assist its growth and potential, at the same time adding vibrancy to the CBD.

Any decision that is made on the future location of Theatre 8 Geraldton Inc must be made in a timely manner as the building is aged and requires building works and upgrades to ensure public safety and amenity.

**COMMUNITY CONSULTATION:**

There has been consultation between officers from the City and members from Theatre 8 Geraldton Inc.

At the Theatre 8 Annual General Meeting it was resolved by the Committee to agree to a lease of the present site at Eighth Street for a period of five (5) years with an option to renew for a further term of five (5) years.

Further letter of support from the new President has been received and forms part of the attachments to this item.

**COUNCILLOR CONSULTATION:**

Not applicable.

**STATUTORY IMPLICATIONS:**

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

(1) In this section –

**“dispose”** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**“property”** includes the whole or any part of the interest of a local government in property, but does not include money.

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

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

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

A commencing lease fee of \$305.00 is proposed, as per the adopted City of Greater Geraldton Schedule of Fees and Charges that is reviewed and adjusted annually accordingly.

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

Goal 1:	Opportunities for Lifestyle.
Outcome 1.2:	A healthy community through sport, recreation and leisure opportunities.
Strategy 1.2.4:	Support live performance, exhibitions and other arts opportunities.

**Regional Outcomes:**

The future planning of this precinct is critical to position the City to cater for the rapidly expanding population in Geraldton.

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

There are no economic impacts with this proposal.

**Social:**

There are no social impacts with this proposal.

**Environmental:**

There are no environmental impacts with this proposal.

**Cultural & Heritage:**

Future planning of the Eighth Street sporting precinct, to flow from the Sporting Futures process, has potential to impact the amateur club Theatre 8 Geraldton Inc. Extension of the lease for a period of five years with a further option of five years enables adequate time for planning of an alternative location for the Theatre 8 repertory group, and the group has some certainty in the interim period. Should planning for the sporting precinct require alternative development on the site, associated planning will involve identification of an alternative site/venue for this group, ensuring that the group will not be disadvantaged by relocation. Location close to other cultural activity sites, most of which are within or close to the CBD, is seen as the optimum future outcome.

**RELEVANT PRECEDENTS:**

The City has current precedents of leasing Crown reserves for designated purposes and acquiring other land for relocation of club activities.

**DELEGATED AUTHORITY:**

There is no delegated authority existing related to this proposal.

**VOTING REQUIREMENTS:**

Absolute majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

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

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

**Option 3:**

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

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

**CONCLUSION:**

Council approval for a five year lease with a further extension of five years would provide Theatre 8 Geraldton Inc with security for their lease on the reserve and enable them to work with the City on future planning of an alternative location and venue.

**EXECUTIVE RECOMMENDATION:****Part A**

That Council by 1/3 Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s5.25 of the Local Government Act 1995 CONSIDER to REVOKE the following Council meeting resolution of 12 June 2007:

*COUNCIL DECISION*

*That Council approve the renewal of the lease for the Theatre 8 Geraldton Inc for a further period of 21 years from the 1 June 2007.*

*CARRIED*

**Part B**

That Council by Absolute Majority pursuant to Regulation 10 of the Local Government Act (Administration) Regulations 1996 as referred to s5.25 of the Local Government Act 1995 RESOLVES to REVOKE the following Council meeting resolution of 12 June 2007:

*COUNCIL DECISION*

*That Council approve the renewal of the lease for the Theatre 8 Geraldton Inc for a further period of 21 years from the 1 June 2007.*

*CARRIED*

Part C

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

1. APPROVE a lease for Theatre 8 Geraldton Inc for Reserve 29388 Eighth Street, SUBJECT to APPROVAL of the Minister for Lands;
2. SET the proposed conditions as:
  - a. enter into a five (5) year lease with a further option of five (5) to commence 1 April 2012;
  - b. in the event that a new facility becomes available within the period of the lease or extension of lease period, Theatre 8 will surrender the lease upon completion of that new facility;
  - c. the lessee being responsible for paying all outgoings including rates and utilities; and
3. NOTE that officers commence to research alternative sites to relocate Theatre 8 Geraldton Inc during this period.

**11.7 Reports to be Received**

REPORTS TO BE RECEIVED	
<b>AGENDA REFERENCE:</b>	<b>D-12-11391</b>
<b>AUTHOR:</b>	<b>A Brun, Chief Executive Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>No</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0002</b>
<b>DATE OF REPORT:</b>	<b>13 March 2012</b>

**BACKGROUND:**

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

**ADMINISTRATIVE COMMENT:**

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

<i>Office of the CEO</i>	
CEO003	WA Regional Cities Alliance Minutes – 17 February 2012
CEO004	WA Regional Cities Alliance Minutes – 4 August 2011
<i>Reports of Corporate Services</i>	
CS059	List Of Accounts Paid Under Delegation - Confidential
CS060	Audit Committee Meeting Minutes 21 February 2012
CS061	Monthly Financial Report February
<i>Reports of Sustainable Communities</i>	
SCDD061	Reports to be Received Delegated Determinations
<i>Reports of Creative Communities</i>	
CC049	Report - Seniors Advisory Committee Meeting Minutes
CC050	Report - Australia Day Debrief Meeting Minutes
CC051	Heritage Advisory Committee Meeting Minutes
<i>Commercial Enterprises</i>	
CE036	FORC - Minutes - Forum of Regional Councils - Chairs and CEO Group 27 February 2012

**CONSULTATION:**

Not applicable.

**STATUTORY ENVIRONMENT:**

Not applicable.

**VOTING REQUIREMENTS:**

Simple majority is required.

**EXECUTIVE RECOMMENDATION:**

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



- 12      ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE  
HAS BEEN GIVEN**
  
- 13      QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN  
GIVEN**
  
- 14      URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR  
BY DECISION OF THE MEETING**
  
- 15      DEFERRED MATTERS**
  
- 16      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://cgg.wa.gov.au/about-council/meetings>  
<http://www.cgg.wa.gov.au/your-council/meetings>

## ANNEX 1 - CITY OF GREATER Geraldton Standing Orders Local Law 2007

### LOCAL GOVERNMENT ACT 1995

#### CITY OF Geraldton-GREENOUGH

#### STANDING ORDERS LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Geraldton-Greenough, resolved on the 27 November 2007 to make the following local law.

### PART 1-PRELIMINARY

#### 1.1 Citation

(1) This Local Law may be cited as the *City of Geraldton-Greenough Standing Orders Local Law 2007*.

(2) In the clauses to follow, this Local Law is referred to as "the Standing Orders."

#### 1.2 Application

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

#### 1.3 Interpretation

(1) In these Standing Orders unless the context otherwise requires:

"**Act**" means the *Local Government Act 1995* as amended;

"**CEO**" means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Geraldton-Greenough;

"**committee**" means a committee of Council described in section 5.9 of the Act and appointed under section 5.10 of the Act;

"**conflict of interest**" means any conflict between the performance of public duty and private or personal interests that may be described in the *Local Government (Rules of Conduct) Regulations 2007*;

"**Council**" means the Council of the City of Geraldton-Greenough;

"**presiding member**" means the presiding member of a Council committee or meeting, or the deputy presiding member or a member of the committee when performing a function of the presiding member in accordance with the Act;

"**Regulations**" means the *Local Government (Administration) Regulations 1996*; and

"**substantive motion**" means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

#### 1.4 Repeal

The *City of Geraldton Standing Orders Local Law* as published in the *Government Gazette* on 22 June 1999 and as amended and published in the *Government Gazette* on the 1 April 2005 is repealed.

### PART 2-BUSINESS OF THE MEETING

#### 2.1 Business to be specified on notice paper

(1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at an adjourned meeting of the Council or a committee other than that –

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved; except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

#### 2.2 Order of business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows –

(a) Declaration of opening;

(b) Record of attendance/apologies/leave of absence (previously approved);

(c) Response to previous public questions taken on notice;

(d) Public question time;

(e) Applications for leave of absence;

(f) Petitions, deputations or presentations;

(g) Declarations of conflicts of interest;

(h) Confirmation of minutes of previous meetings;

(i) Announcements by presiding member without discussion;

(j) Reports of committee and officers;

(k) Elected members motions of which previous notice has been given;

(l) Questions by members of which due notice has been given;

(m) New business of an urgent nature authorised by the presiding member;

(n) Closure of meeting.

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

(5) Notwithstanding subclause (1), the Council may include on the agenda of a Council or committee meeting in an appropriate place within the order of business provision for matters which it considers appropriate for a committee or Council to deal with at its meetings.

### 2.3 Public question time

- (1) A member of the public who raises a question during question time is to state his or her name and address.
- (2) A question may be taken on notice by the Council or committee for later response.
- (3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

### 2.4 Petitions

A petition, in order to be effective, is to -

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if it is -
  - (i) a proposal to change the method of filling the office of Mayor;
  - (ii) a proposal to create a new district or the boundaries of the Local Government;
  - (iii) a request for a poll on a recommended amalgamation;
  - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

### 2.5 Deputations

- (1) A deputation requesting to meet the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor or the Presiding Member as the case may be.
- (2) The Mayor if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting;
  - (a) is not to exceed three persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
  - (b) is not to address the Council or committee for a period exceeding 10 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

### 2.6 Confirmation of minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to -

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### 2.7 Announcements by the presiding member without discussion

- (1) At any meeting of the Council or a committee the presiding member may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the presiding member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

### 2.8 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO may under his or her own name provide relevant and material facts, circumstances and professional advice pertaining to the notice of motion and may provide recommendations to Council or committee on how it should deal with these matters.
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless -
  - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse unless supported by an absolute majority of Council.

### 2.9 Questions by members of which due notice has been given.

- (1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

### 2.10 Urgent business approved by the presiding member or by decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the members

present, be raised without notice and decided by the meeting.

### **2.11 Matters for which meeting may be closed**

Any matter on the agenda of the meeting to be discussed "behind closed doors" is to be deferred for consideration as the last item of the meeting unless otherwise resolved by Council.

## **PART 3-PUBLIC ACCESS TO AGENDA MATERIAL**

### **3.1 Inspection entitlement**

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Regulations.

### **3.2 Confidentiality of information withheld**

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be -

- (a) identified in the agenda of a Council or committee meeting under the item "Matters for which meeting may be closed to the public";
- (b) marked "confidential" in the agenda; and
- (c) recorded in the minutes that, "a decision was reached which being confidential in nature will be considered separately in full Council."

(2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000

## **PART 4-DISCLOSURES OF CONFLICTS OF INTERESTS**

### **4.1 Separation of committee recommendations**

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

### **4.2 Member with an interest may ask to be present**

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

### **4.3 Member with an interest may ask permission to participate**

(1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

### **4.4 Invitation to return to provide information**

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

### **4.5 Disclosures by employees**

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

## **PART 5-QUORUM**

### **5.1 Quorum to be Present**

The Council or a committee is not to transact business at a meeting unless a quorum is present.

### **5.2 Loss of quorum during a meeting**

(1) If at any time during the course of a meeting of the Council or a committee a quorum is not present -

- (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either -

- (i) a quorum is present to decide the matter; or

- (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

- (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of up to thirty minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b) -

- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

- (b) in the case of a Council meeting
  - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (ii) the provisions of clause 8.5 apply when the debate is resumed.

## **PART 6-KEEPING OF MINUTES**

### **6.1 Content of minutes**

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

### **6.2 Preservation of minutes**

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the State Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

## **PART 7-CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS**

### **7.1 Official titles to be used**

Members of the Council are to speak of each other in the Council or committee by their respective titles of Mayor or councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

### **7.2 Members to occupy own seats**

At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

### **7.3 Leaving meetings**

During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

### **7.4 Adverse reflection**

- (1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed. Penalty \$1,000
- (2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
- (3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### **7.5 Recording of proceedings**

- (1) No person is to use any electronic, visual or vocal recording device or instrument to record the

proceedings of the Council or a committee without the written permission of the Council.

- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

## **7.6 Prevention of disturbance**

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding member whenever called upon to do so. Penalty \$1,000

- (2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means. Penalty \$1,000

- (3) Members and members of the public are not to use or have turned on mobile phones or paging devices without the approval of the presiding member.

## **PART 8-CONDUCT OF MEMBERS DURING DEBATE**

### **8.1 Members to indicate they wish to speak**

Every member of the Council wishing to speak is to indicate by a show of hands or other method agreed upon by the Council. When invited by the presiding member to speak, members are to address the Council through the presiding member.

### **8.2 Priority**

In the event of two or more members of the Council or a committee wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

### **8.3 The presiding member to take part in debates**

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the presiding member may take part in a discussion of any matter before the Council or committee as the case may be.

### **8.4 Relevance**

Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

### **8.5 Limitation of number of speeches**

No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

### **8.6 Limitation of duration of speeches**

All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of the presiding member.

### **8.7 Members not to speak after conclusion of debate**

No member of the Council or a committee is to speak to any question after the right of reply has been exercised or declined.

**8.8 Members not to interrupt**

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 9.14; or
- (d) to move a motion under clause 10(1)(f).

**8.9 Re-opening discussion on decisions**

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

## **PART 9-PROCEDURES FOR DEBATE OF MOTIONS**

**9.1 Motions to be stated**

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

**9.2 Motions to be supported**

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

**9.3 Unopposed business**

- (1) Upon a motion being moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

**9.4 Only one substantive motion considered**

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

**9.5 Breaking down of complex questions**

The presiding member may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

**9.6 Order of call in debate**

The presiding member is to call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to, or reserve the right to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;

- (h) Mover takes right of reply which closes debate.

**9.7 Member may require questions to be read**

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**9.8 Consent of member required to accept alteration of wording**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**9.9 Order of amendments**

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

**9.10 Amendments must not negate original motion**

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

**9.11 Substantive motion**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

**9.12 Withdrawal of motion and amendments**

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

**9.13 Limitation of withdrawal**

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

**9.14 Personal explanation**

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

**9.15 Personal explanation - when heard**

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

**9.16 Ruling on questions of personal explanation**

The ruling of the presiding member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

**9.17 Right of reply**

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

(2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

**9.18 Right of reply provisions**

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

**9.19 En bloc motions**

When dealing with each report in Council, the presiding member shall highlight items within the reports that require absolute or special majority approvals or are items where members or attending officers have declared an interest.

The presiding member then invites members to identify other items they wish to deal with individually including items they wish to have amended or may want clarification on.

The presiding member then invites an en bloc motion to adopt the recommendations for the remaining items. The minutes shall record at the end of each report item that they were adopted by the en bloc method.

**PART 10-PROCEDURAL MOTIONS****10.1 Permissible procedural motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the matter be moved back to Committee;
- (b) that the Council (or committee) proceed to the next business;
- (c) that the question be adjourned;
- (d) that the Council (or committee) now adjourn;
- (e) that the question be now put;
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with;
- (h) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.
- (i) that the council move to committee

**10.2 No debate on procedural motions**

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (d), (g), (h) and (i) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (e) and (f) of Clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

**10.3 Procedural motions - closing debate - who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**10.4 Procedural motions - right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

**PART 11-EFFECT OF PROCEDURAL MOTIONS****11.1 Matter be moved back to committee – effect of motion**

The motion "that the matter be moved back to Committee," if carried, causes the debate to cease immediately and for the Council (or Committee) to move to the next business of the meeting enables the matter to be addressed by originating committee.

**11.2 Council move to committee – effect of motion**

The motion "that Council move back to committee" enables the matter to be discussed without the limitation on the number of speeches.

**11.3 Council (or committee) to proceed to the next business - effect of motion**

The motion "that the Council (or committee) proceed to the next business", if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

**11.4 Question to be adjourned - effect of motion**

(1) The motion "that the question be adjourned", if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council -

- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 8.5 apply when the debate is resumed.

**11.5 Council (or committee) to now adjourn - effect of motion**

(1) The motion "that the Council (or committee) now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was



adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1) -

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) in the case of a Council meeting

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 8.5 apply when the debate is resumed.

#### **11.6 Question to be put - effect of motion**

(1) The motion "that the question be now put", if carried during discussion of a substantive motion without amendment, causes the presiding member to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the presiding member to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

#### **11.7 Member to be no longer heard - effect of motion**

The motion "that the member be no longer heard", if carried, causes the presiding member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

#### **11.8 Ruling of the presiding member disagreed with - effect of motion**

The motion "that the ruling of the presiding member be disagreed with", if carried, causes the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

#### **11.9 Council (or committee) to meet behind closed doors - effect of motion**

(1) Subject to any deferral under clause 2.11 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 8.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the presiding member, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000

#### **11.10 Question - when put**

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

#### **11.11 Question - method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

### **PART 12-MAKING DECISIONS**

#### **12.1 Question – when put**

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

#### **12.2 Question – method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

### **PART 13-IMPLEMENTING DECISIONS**

#### **13.1 Implementation of a decision**

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that -

(a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and

(b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations; and

(c) if a motion to the same effect as any motion which has been negated by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority.

(2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the

Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given:-

- (a) action has been taken to implement the decision; or
  - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so; without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.
- (4) Where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to the Committee whose responsibilities include Finance, unless by absolute majority or Council resolves otherwise.
- (5) If new written information is introduced at a meeting which materially affects an item of business to which a recommendation of any Committee has been made, then that item of business shall be referred back to the Committee for further investigation, unless by absolute majority Council decides otherwise.

#### **PART 14-PRESERVING ORDER**

##### **14.1 The presiding member to preserve order**

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

##### **14.2 Demand for withdrawal**

A member at a meeting of the Council or a committee may be required by the presiding member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

##### **14.3 Points of order - when to raise - procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

##### **14.4 Points of order - when valid**

The following are to be recognised as valid points of order:

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

##### **14.5 Points of order - ruling**

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

##### **14.6 Points of order - ruling conclusive, unless dissent motion is moved**

The ruling of the presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

##### **14.7 Points of order take precedence**

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

##### **14.8 Precedence of presiding member**

(1) When the presiding member rises during the progress of a debate every member of the Council or committee present shall preserve strict silence so that the presiding member may be heard without interruption.

Penalty \$500

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

##### **14.9 Right of the presiding member to adjourn without explanation to regain order**

(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting -

- (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 8.5 apply when the debate is resumed.

#### **PART 15-ADJOURNMENT OF MEETING**

##### **15.1 Meeting may be adjourned**

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

##### **15.2 Limit to moving adjournment**

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

##### **15.3 Unopposed business - motion for adjournment**

On a motion for the adjournment of the Council or committee, the presiding member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

##### **15.4 Withdrawal of motion for adjournment**

A motion or an amendment relating to the adjournment of the Council or a committee may be

withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

### **15.5 Time to which adjourned**

The time to which a meeting is adjourned for want of a quorum, by the presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

## **PART 16-PRESENTATION OF COMMITTEE OR OFFICER REPORTS**

### **16.1 Reports of committees - questions**

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the presiding member to the Presiding Member or to any member of the committee in attendance.

### **16.2 Permissible motions on recommendation from committee**

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be -

- (a) rejected by the Council; or
- (b) replaced by an alternative decision; or
- (c) referred back to the committee for further consideration.

### **16.3 Standing orders apply to committees**

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee -

- (a) clause 7.2, in regard to seating;
- (b) clause 8.5, limitation on the number of speeches.

## **PART 17-ADMINISTRATIVE MATTERS**

### **17.1 Suspension of standing orders**

(1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

### **17.2 Cases not provided for in standing orders**

The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(g).

## **PART 18-COMMON SEAL**

### **18.1 The Council's common seal**

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor

and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the local government.

(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Dated: 27 November 2007

The Common seal of the City of Geraldton-Greenough was affixed by authority of a resolution of the Council in the presence of:

IAN CARPENTER, Mayor

GARY BRENNAN, Chief Executive Officer