



ORDINARY MEETING OF COUNCIL  
MINUTES

28 JULY 2015

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**CITY OF GREATER GERALDTON**  
**ORDINARY MEETING OF COUNCIL**  
**HELD ON TUESDAY, 28 JULY 2015 AT 5.30PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

**DISCLAIMER:**

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

**1. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor respectfully acknowledged the Yamaji people who are the Traditional Owners and First People of the land on which we met. The Mayor paid respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamaji people.

**2. DECLARATION OF OPENING**

The Presiding Member opened the meeting at 5.30pm

**3. ATTENDANCE**

Present:

Mayor I Carpenter  
Cr D Brick  
Cr D J Caudwell  
Cr J Clune  
Cr J Critch  
Cr R deTrafford  
Cr S Douglas  
Cr P Fiorenza  
Cr L Graham  
Cr R D Hall  
Cr S Keemink  
Cr N McIlwaine  
Cr V Tanti  
Cr T Thomas  
Cr S Van Styn

Officers:

A Selvey, Director of Community Services  
P Melling, Director of Development & Regulatory Services  
B Davis, Director of Corporate and Commercial Enterprises  
N Arbuthnot, Director of Infrastructure Services  
S Moulds, PA to the Chief Executive Officer  
B Robartson, Manager, Economic, Land and Property Development  
M Atkinson, Manager Infrastructure Planning and Asset Management  
M McGinity, Manager, Communications, Events and Engagement  
J Kopplhuber, Coordinator Communications & Engagement  
T Carmichael, Executive Support Secretary  
V Harvey, Engineering Cadet  
T Pitt, Senior Civil Design Engineer  
G Keizich, Graduate Civil Engineer  
C Xi TGan, Engineering Technical officer

Others:

Members of Public: 15  
Members of Press: 1

Apologies:

K Diehm, Chief Executive Officer

Leave of Absence:

Nil.

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

**Sean Hickey – PO Box 2955, Geraldton WA 6530**

*Mr Hickey has been provided with a formal response dated 1 July 2015*

Question

Which streets and trees will the council target in the "million tree planting program"? When will trees be planted and will the program be supplemented with recycled rainwater that is otherwise lost to storm drains?

Response

The Million Trees project is about the community's aspiration to green the City. Members of the community, businesses, schools, industry and the City all plant trees as part of this initiative. The City is keeping count of all the trees and shrubs being planted so the community can see how it is tracking to reach its goal of planting a million trees. The City has planted 400 trees in the 2014/15 financial year and is planning on planting 250 trees in the 2015/16 financial year. To date the total number of trees on the Million Trees Program Register is 135,000.

The City has approved Sunset Beach Stage 4 which is utilising “Tree Pits” to intercept stormwater flow before it enters storm drains, which is the first time this type of Water Sensitive Urban Design (WSUD) has been used.

Question

Will streets be designed for the well-being of people and the environment?

Response

All new urban streets are designed in accordance with the state governments’ Liveable Neighbourhoods Operational Policy.

Question

What strategies are afoot to better use our natural assets of rain that falls in this catchment? I am informed that for every 100m of road at 10m wide (or 20 metres inclusive of verges) we have a rain catchment of some 1000 square meters or 1000 litres per 1mm of rain or 400 kilo litres every 100 meters of road, 10 meters wide (double if we consider the verges).

Response

The theory is correct in that  $100\text{m} \times 10\text{m} = 1000\text{sq.mts.}$  and 1mm of rain will produce 1000lts without allowing for evaporation and infiltration through pavement which can occur until the pavement temperature is cooled and no loss occurs through evaporation. Further infiltration will only occur until the pavement becomes soaked. For all practical purposes an allowance of 95% runoff is appropriate. When the theory is extended to the verges it must be remembered that grassed or planted verges absorb up to 50% of the runoff. Hard surfaced verges would display similar characteristics to a road surface. It is at this point that the calculations are skewed to be exaggerated. Based on 100m of road and 200mts of verge (hard surfaced and assuming all the surface area drains to a collectable point) then the available volume for harvesting (if indeed harvesting is practical) would be  $(30\text{m} \times 100\text{m}) \times 95\% \times 1\text{mm} = 2850\text{lts}$  per mm of rain or 28,500lts per 100mm of rain.

The Department of Water are now requiring all new developments to utilise Water Sensitive Urban Design (WSUD) principles with including treatment of water at its source (not at its outlet). Stormwater runoff from new development is directed via kerbs or open channels to compensation basins where the water is then able to infiltrate and recharge aquifers. Some areas (particularly eastern suburbs) possess subsoils that resist infiltration and can store water for weeks. This water can be pumped out and used for irrigation purposes.

Question

So with many kilometres of criss-crossed roads, what rain can be conserved and so vastly improve our street environment

Response

It may be remembered that the City was the recipient of a grant from the Federal Government relating to Water Harvesting Project through recharging the aquifer. This project had aspirational goals that could not be

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substantiated based on extensive studies undertaken of the catchments around Geraldton and utilising the existing multitude of sumps along with proposed new holding structures located in Durlacher Street for recharging the Maitland Park aquifer. The cost of implementing the scheme was recognised as ultra - expensive with costs soaring well over estimates with little overall benefit in terms of total water captured for reuse. This program was eventually suspended and ultimately cancelled by the funding bodies based on costs and benefits to be gained. Isolated small scale projects may provide a higher cost benefit ratio. The rain fall patterns and soil structures generally act against Water Harvesting.

## **5. PUBLIC QUESTION TIME**

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

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

*Public question time commenced at 5.32pm*

**Max Correy – PO Box 202, Geraldton, WA 6530**

### Question

Abraham Street/Verita Road Bridge contract

- (A) Why did the CEO award the bridge contract to Georgiou at 8.171M plus GST with no reference back to Council when he was instructed in October 2014 to negotiate the contract at \$8.2M inclusive of GST- in excess of \$800,000 extra?

Before responding to the questions from Mr Correy I think it is important to clarify a few matters.

Since the Council made the decision to award this contract, Mr Correy has been on a fishing expedition to try and find some evidence to support a conspiracy theory that he has invented.

The repeated questioning on this matter has cost the City thousands of dollars in lost time and productivity. In addition to this, the line of questioning is considered to be a personal attack on the integrity of Officers from Brookfield Rail, Public Transit Authority, Department of Main Roads, GHD, the City and myself.

The panel of very qualified and experienced representatives from these organisations have more than 150 years of collective engineering experience, have built thousands of kilometres of roads, scores of bridges and have assessed thousands of complex tenders. This panel, whose integrity you have

continually questioned, have unanimously agreed that Georgiou's tender provided the best value for our Community.

I respect your right to ask questions and seek clarification but doubt that you can form an objective view because of your vendetta against this City and your lack of knowledge or experience in considering complex tenders and in building bridges and roads.

#### Response - A

The CEO was not instructed to negotiate the contract at \$8.2M inclusive of GST this is a misrepresentation of the facts that a plain reading of the resolution reveals.

The CEO was in fact instructed to award and execute the contract if he was satisfied that:

1. The preferred contractor was able to obtain a construction license from Brookfield Rail and enter into agreement with Brookfield Rail to enter and carry out works within the Rail Corridor.
2. A tripartite agreement between Brookfield Rail, Public Transport Authority was able to be entered into.
3. All other outstanding matters including without limitation the City's exposure to Risk had been resolved.
4. The negotiated contract was within the budget allocation and consistent with the intentions of the Tender.

The CEO was only required to refer the tender back to the Council if the above conditions were not met.

The negotiated contract was below the budget allocation of \$10,000,000 and the above conditions were met, the CEO accordingly exercised the authority delegated to him by the Council.

#### Question

Abraham Street/Verita Road Bridge contract

- (B) If the tender price was varied or withdrawn doesn't that then deem the tender non-compliant and therefore invalid? And if so, why was the tender not re-advertised or alternatively negotiations commenced with the next lowest conforming tenderer?

#### Response – B

The tender price was not withdrawn. Tenderers typically submit a price which includes a number of conditions and assumptions based upon their understanding of the scope of works. During the tender process these conditions and assumptions are clarified with prospective tenderers and tender prices are commonly adjusted. If you have had any experience in the evaluation of complex tenders you would understand this.

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The following table shows a true comparison.

Tender Comparison			
Albem Operations and Highway Construction	Amount	Georgio Group	Amount
<b>Original tendered price</b>	<b>\$6,528,153.84</b>	<b>Original tendered price</b>	<b>\$7,342,035.10</b>
<b>Plus additional costs</b>		<b>Plus additional costs</b>	
In-situ retaining wall	\$271,045.81	Retaining works at pier 2	\$114,000.00
Temporary side track	\$187,105.00	Continuous rail monitoring	\$8,000.00
Erection of girders without rail shut down	\$393,451.80		
<b>Less</b>		<b>Less</b>	
Less - Design and delivery optimisations	\$162,311.45	Less - Design and delivery optimisations	\$357,174.57
<b>Final Adjusted price</b>	<b>\$7,217,445.00</b>	<b>Final Adjusted price</b>	<b>\$7,106,860.53</b>

A proper comparison shows that Albem & Highway Constructions tender was \$110,884.47 or 1.56% higher than the tender from the Georgiou Group.

#### Question

If the contract award price to Georgiou was \$8.17M + GST, can council please advise what was the lowest conforming submitted price of any of the remaining tenderers excluding all non-priced criteria assessment influence?

#### Response

The submitted tender prices varied between \$7,180,969.22 Incl. GST to \$8,424,131.45 Incl. GST. These prices excluded any adjustments following receipt of responses by tenderers to clarifications from the Tender Assessment Panel and further third party requirements not available at the time of tendering.

Georgiou Group Pty. Ltd. was the highest ranked Tenderer based on the qualitative and quantitative assessment Criteria and Albem Operations Pty. Ltd. & Highway Constructions Pty. Ltd. was ranked third out of seven Tenders.

#### **Mr John Gaze - 181 Monsoon Lane, West End**

In the 26<sup>th</sup> May 2015 Ordinary Meeting of CoGG with regard to RFT 20 1415 Multi User Facility & Youth Precinct...Council resolved to award FIRM Constructions RFT 20 1415 at the tender amount of \$6.87m (\$6,868,446) plus GST and commit to additional funding of \$1.70m (\$1,696,742) to undertake all separate portions of the proposed works. Vote: 12/2 in favour. Then at the 23<sup>rd</sup> June 2015 Ordinary Meeting of CoGG, the City advised Council of an error when the Firm Constructions tender of \$7.55m (\$7,555,290) was mistakenly assessed to be inclusive of GST and not exclusive of GST. At this meeting the City recommended Council to change the tender price to \$8.31m (\$8,310,819) inclusive of GST. (i.e. \$7,555,290 + \$755,529 GST) which the Council duly resolved. Vote: 10/4 in favour.

Question

Could the City please explain why the Council was asked to increase the additional amount for funding from \$1.70m (\$1,696,742) to \$2.42m (\$2,417,928) a difference of \$721,186, which was also resolved?

Does this mean that the City's error has actually cost \$1,476,715?

Response

At the time of the original recommendation to Council on May 26th there was \$5,515,126 remaining of the original budget. The budget was made up \$5,170,000 in grant funding plus the City's contribution of \$1,520,000 provided a total project budget of \$6,690,000. Of the total project budget \$1,174,874 had been spent and committed to date which left an available budget of \$5,515,126. The original recommendation was to award the contract to the preferred tenderer at \$6,868,446.08 Exc GST. This meant that there was an initial shortfall of \$1,353,320.08 to this was added a 5% contingency (5% of the tendered amount \$343,422.30) which gave a shortfall figure of \$1,696,742.38, as per the original recommendation.

The additional funding required by the City over and above the original recommendation of \$1,696,742 put to Council on May 26th is \$721,186. This figure is made up of the 10% GST error of \$686,844.60 + 5% contingency on the GST of \$34,342.23 (\$721,186).

The figure you refer to of \$1,476,715 is made up of the additional funding required (\$721,186) plus the GST component of the final tendered amount (\$755,529) which is incorrect. When calculating the additional funding required it is calculated as  $(\$6,868,446 + \$686,844.60 + \$34,342.23 = \$7,589,632.83) - (\$6,868,446) = (\$721,186.83)$ .

Question

Does the City of Greater Geraldton not consider that a serious error of judgement was made when it included in the Attachments Sea Container Café - DRS219B Comments on Facebook - Sea Container Café?

Response

As discussed at the Agenda Forum the reference to the Facebook information was to give Councillors some context relating to the community discussions taking place but they (Facebook Comments) do not count as part of the formal submissions. For your information each of the formal submissions are itemised in an accompanying table and a response given, you will see that in that list there is no reference to Facebook.

Question

Now that the Multi User Facility (MUF) & the Youth Precinct (YP) are in construction mode, the observation could be made that the Foreshore area between the Port & the Marina will be comprehensively developed (i.e. MUF, YP, basketball area, Fish toilet block & coffee shop, adventure playground & water play area, beach volleyball & the Dome)...except for the area between the Dome and the Marina. Development of this area has recently become a

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'bone of contention' between groups of opposing interested parties with Council being asked to make an 'Ad Hoc' decision for an individual proponent. A potential six storey high building on the Transport Authority Railway site, now being used as a temporary car park, and the next stage of the Marina Development - Railway Square etc., where construction is imminent, could both have a significant bearing on this area, and could effectively change and possibly restrict where and when development of this Northern end of the Foreshore should or should not occur. Realistically there is ample space within this area for suitable sites for the Champion Bay Surf Lifesaving Club and Container Retailers, and with extensive Community consultation the City should be able to present Council with a Community based 'Popular' compromise for this area.

Should not Council now review and rethink its policy (perhaps using the proposed CP039 – Foreshore Use & Development Policy) on this particular area of the Foreshore?

Response

The City is very aware of the future development of Lot 601 & the Batavia Coast Marina Stage 2 project, the policy was developed with that knowledge. One the KPI's to be developed and applied to the container café proposal lease relates to the possible future development of Lot 601. In reality even if a development application was lodged tomorrow for Lot 601, it would be at least 2-3 years before a development is constructed and opened on Lot 601. As there is not even a proponent for Lot 601 at this time it is expected that the proponent for the Container Café will have at least the 3 year initial timeframe for the lease and the City is able to achieve more activation and focus for this end of the foreshore which also naturally leads into BCM2.

*Statements made in Mr Gaze's letter were noted at the meeting, but are not recorded in these Minutes.*

**Stephanie Essex – 14 Evana Tce Wandina.**

*Questions relating to Item DRS219 - Lease of Portion of Crown Reserve 50100 – Sea Container Café*

Question

Considering the large change in this proposal regarding both the size of the container and the deck area why is a new proposal is not being drawn up to be voted on and publicly discussed?

Response

There is no change to the size of the container Café itself, and in fact the deck area has been reduced by over 2/3rds so the proposal in fact is smaller. It is just that the lease area itself has been increased to cover the reduced deck/ access after the proponent heard the concerns being expressed last week and entered in to discussions with the City to include those areas in to the lease, and take away the concerns expressed about the deck area. The proponent will pay the additional lease fees for those additional sq mtrs, at the same ratios as the existing proposed lease.

Question

It seems that there is a rush to push this proposal through, why is that the case?

Response

The City and Council is very mindful of delays in process, equally the community is very quick to criticise the City and Council on what it perceives are delays in process. The City is following due process.

Question

Does this vote if it goes ahead follow due procedure and if so can examples of previous proposals that have been changed significantly like this and then been voted on the following week without further community consultation be provided.

Response

See the responses above, and by way of explanation the process of having an agenda forum a week before the Council meeting is to allow both Councillors and the community to ask questions, seek clarifications and where necessary refine items being submitted to Council for its consideration. Many Councils just have a single meeting where the item is discussed and a decision made.

**John McLaren – e-mail address supplied**

*Questions relating to Item DRS219- Lease of Portion of Crown Reserve 50100 – Sea Container Café*

Question

Is there any precedent for doubling the footprint of a building after public advertising and consultation, and will this set a precedent for future applications.

Response

There is no change to the size of the container Café itself, and in fact the deck area has been reduced by over 2/3rds so the proposal in fact is smaller. It is just that the lease area itself has been increased to cover the reduced deck/access after the proponent heard the concerns being expressed last week and entered in to discussions with the City to include those areas in to the lease, and take away the concerns expressed about the deck area. The proponent will pay the additional lease fees for those additional sq mtrs, at the same ratios as the existing proposed lease.

Question

Has council checked the legality of doubling a dimension on a building application, without requiring re-advertising.

Response

There is no actual building application at this time, and building applications do not get advertised. The footprint for the container café has not changed. The only change is to include a reduced deck area as part of the lease.

Question

Will the paltry lease fee be doubled and the 100 square metres rent free area be increased, or decreased by the extra lease area.

Response

There is no longer a 100 sq mtr deck area. It has been replaced with a smaller deck area/access, which will form part of the lease for use by the proponent.

The lease fee has been determined by a licenced valuer that took into consideration the lease that was being provided and that it was a ground rental valuation with no improvements and has accordingly determined the assessed value.

**Mr Graham Sertorio – Dome Geraldton**

*Questions relating to Item DRS219- Lease of Portion of Crown Reserve 50100 – Sea Container Café*

*The questions in italics are supplementary to those provided in writing.*

Question

*If increased to 48sq meter now. Does this mean the Pop Up Café will have its own private seating for its customers?*

Response

It will mean the footprint area of 48m<sup>2</sup> will be leased to the proponent for exclusive use under a lease agreement for use in line with a sea container café with a verandah /decking containing universal access.

Question

*Mr Sertorio made reference to last week's meeting that the decking is part of the lease, but last week it wasn't part of the lease, but it is now reduced, and now it is part of the lease, is this correct?*

Response

The proponent attended the Agenda forum held on 21 July 2015. After listening to discussions and submissions asking why the deck area was not included. The City has listened and now included that area into the lease, and negotiated with the proponent and also scaled down the size of the deck area. The deck area also includes the required access in to the facility

Question

*Mr Sertorio made reference to the change to the decking area, last week the 100 mtr decking wasn't part of the lease, but now in everyone's wisdom we have now increased the size of it without going back to the public and doubled*

*the size and made that part of the lease, is that correct, and how can you do that?*

Response

The recommendation is before council at this meeting, and no decision has been made at this point in time. As part of the process there has been a level of discussion and the City noted the concern out in the community regarding the 100 mtr of decking and now notes that Mr Sertorio is now not happy with the reduced area.

Question

*That wasn't part of the lease 100 sq mtr as this was public space, but now you are saying we have increased the lease, and reduced the decking, which will now be part of the lease, and have their own decking, and therefore do not have to be open to the public, is that correct?*

Response

That is correct.

Question

*Mr Sertorio made reference to the Hames Sharley plan and the Dome days and the three nodes on the plan.*

*The Mayor asked Mr Sertorio to keep to the questions presented.*

Response

P Melling advised that the original Dome site was a lot smaller and there was a provision on that site for Dome as well.

Question

By the City of Geraldton not asking for expressions of interest is this not a breach of the local government act?

Response

No. The City following its Council meeting on the 28 April 2015 advertised the proposal of the intent to lease an area of 24m<sup>2</sup> of the foreshore reserve for the proposed sea container café in accordance with the LGA requirements. That proposal also included an additional 100m<sup>2</sup> of decking that was not part of the lease but available for use by the public at all times. It is to be noted that following the advertising period there were no submissions from the public seeking approval for other activities to be considered. As advised earlier, the proponent attended the Agenda forum held on 21 July 2015. After listening to discussions and submissions asking why the deck area was not included in the lease. The City has listened and now included that area into the lease, and negotiated with the proponent and also scaled down the size of the deck area.

Question

Why does Sun City cinema in conjunction with Dome get charged \$1,500 for the portion of land next to Dome to use for the purpose of showing movies

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during summer – equalled to allow 20 movies per year or 80 hours per year of use, yet the pop up for a commercial venture venue 52 weeks of the year – 10 hours or more per day is only charged 3,900 / year. We supply a family entertainment for the families of Geraldton. Can council in their wisdom look at this?

*Mr Sertorio advised that when they commenced the cinema area there was a stipulation that they had to supply toilets for the public that would use this facility on the south side of Dome. If the City have increased the size of the lease for this sea container café, which will have their own public seating, where are their male and female toilets?*

*This question was Taken on Notice at the meeting, but the response is now provided below.*

#### Response

The Sun City cinema was granted a development approval via the provisions of the Commercial Recreational Tourism Activity on Crown Land local planning policy. This policy is used for activity that does not require exclusive use of crown land. Where exclusive use is sought and infrastructure proposed a lease approval is the mechanism to use (as is the case with this sea container café). The fee charged for this type of ‘non-exclusive use’ activity is \$500 per annum as opposed to a lease fee which is set by the valuation of the land. Fees are reviewed annually by Council in its budget deliberations.

It should be noted that there has been no building permit issued for the sea container café and the issue of toilets will be dealt with as part of the building application process and toilets will be provided in accordance with the requirements of the Building Act 2011.

#### **Mr Colin Dymond – Level 1, 65 Chapman Road, Geraldton WA6530**

*Questions relating to Item DRS219- Lease of Portion of Crown Reserve 50100 – Sea Container Café*

#### Question

In response to public questions the council has now determined that a temporary structure is one that is not attached to a permanent foundation and is erected for a maximum of 9 years, can the council please advise where this is within the guidelines and what is the definition of permanent, as if you take this definition is a concrete slab as permanent as this council building?

#### Response

Following the discussion at the Agenda Forum the draft Policy submitted to Council this evening now includes a definition of ‘permanent’ and also discusses the definition of ‘temporary transportable’. The proposal has also changed in that the concrete slab has been deleted and there will only be the appropriate tie downs required to deal with structural wind loading concerns.

Question

I asked a questions at the agenda forum last week regarding the use of Facebook and social media commentary by officers in the agenda, it was stated in answer to my question these are not to be taken into consideration and the social media has no place in council considerations. How is it that although size of the lease “after listening to the public” why is it this was not removed from the agenda in the same vein that is the references to social media.

Response

The comments from facebook were included as a term of context. The actual formal council consideration of submissions is very heavily dealt with through with the attachment schedule with the report, which lists the individual submission received and a comment made on how that submission is dealt with. That is what council has to make a decision and in terms of the responses – whether it agrees with agrees with all the responses and how it fits their decision making process.

Subsequent question

*Mr Dymond advised that wasn't his question and why wasn't the reference to the facebook commentary not removed from the Agenda, as were the Agenda items changed within the agenda, to a larger lease area, if it was discussed that they were not appropriate.*

Response

The City still see this as contextual information for Councillors.

Question

I had a meeting with the CEO, Mr Melling and Mr Robartson, in early may about this item, when I expressed my concern about the process this item has taken and that proper process has not been undertaken, at that meeting I made the statement that when my company took on the lease of the rest centre on behalf of the city there would be no further cafes allowed on the foreshore, this was refuted also saying that I did not have the statement in writing. However at the same meeting Mr Melling advised the following, as you know, Colin, as per your lease agreement you will be notified of any proposal for further development on the foreshore, the company the holder of the lease had no notification of this proposal, I believe this is a breach of the councils fiduciary duty under the lease. Is that the case?

Response

Mr Melling advised that when the City was already in discussion with you about this proposal, and council had already made a decision to advertise the Intention to Lease prior to the meeting. My reference to the discussions related to future applications. This application was already in.

Subsequent question

*Mr Dymond advised that his lease was previously already signed and that it was a document which is part of the council documentation which was signed back in October 2014, well prior to this proponent.*



Response

Mr Melling advised that we were having a meeting with you after Council made a decision to advertise the proposal. We were aware that you were fully aware of the proposal. Infact that was the discussion. My reference was to any future proposal. Mr Melling felt that this was getting in to legal issues which require private discussions.

**Mr Colin Cox – 19A Ajax Drive, Geraldton WA6530**

*Questions relating to Item DRS219- Lease of Portion of Crown Reserve 50100 – Sea Container Café*

Question

As part of the Rational stated from the community/councillor consultation: and with 10+ similar venues with 500 metres what will the proposed Pop up or Sea container cafe “product and activity not currently catered for in this area” be offering that the others do not.

Response

The 500 metres is not defined as being a boundary between other like facilities. Obviously a lot of business offer a different kind of product and there is no two business in general, especially in the food area that are exactly the same, unless you are talking possibly about fast food outlets, although their products are unique to their particular company. We believe that the area of the foreshore is not catered for, and as mentioned earlier part of the review of the lease – the 3 year period – will involve KPIs around the potential for something to have been developed on the PTA land or adjoining land areas.

Question

Relates to relevant precedents quote: the city does not charge other businesses that provide alfresco areas on footpaths. The 100mtr@ decking is on prime Crown reserve and is not on a footpath, and it is my understanding that Domes alfresco dining area is within their leased area, therefore why is the proposed Pop up café paying for the area which it will be using almost exclusively during its operating hours.

Response

The proposal has now been modified do to exactly the same as what Dome have and the decking will be part of their leased area and paying for it accordingly, which is for the 24sq mtr decking area and access.

*Public question time concluded at 6.26pm*

**Mr Sean Hickey PO Box 2966, Geraldton WA6530**

*Due to the complexity of the Mr Hickey’s questions they were Taken on Notice at the meeting, but the responses are now provided below.*

Question

Port Fairy, Moyne Shire Council, S/W Victoria and Geraldton are two of many locations across Australia with a growing host of problems associated with:

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SLR (sea level rise), Set Back for Building and other Infrastructure Planning issues like 'the loss of sandy beaches--mainly due to all designs of rock walling/revetments/groynes Faced with advice that the council could be held liable if homeowners were not informed that the region is subject to erosion ' ..Moynes Shire...said it would be implementing recommendations of the Climate Change Mitigation report.

'If somebody applies for a permit now...They have to get an engineer who works on coastal issues ...." That way we're protecting council and community and that individual..." ,the Shire Sustainability Director said..

Surely, with so much at stake, it's time for the city to adopt a comprehensive study and plan that halts the belief that we can build walls to protect our built assets. Will the city ADOPT a recommended 'setback plan and appropriate measures concerning the 'built environment '???

Will the city implement plans that immediately stops the rock solution and show some sophistication. There are better solutions. This is a time to implement 'soft ' options and get some research happening. A time to plan on the information we have and there is plenty. Rock walls and Revetments won't stop SLR.

What's the point of building a Revetment at GREYS beach that has to be sand nourished to the west and the whole area exposed to a projected 300 mm rise by 2030 and a 900 plus rise by 2100. These same projections relate to all our coast with significant inundation along the shores of Bluff POINT and very significant inundation expected to develop along the Sunset area by 2100.

#### Response

Advice received through WALGA (West Australian Local Government Association) is that the Local Governments should keep up to date with general climate change science and information relating to mitigation and adaptation strategies. One such example of City's commitment to this is their participation in the development of national climate change tool through NCCARF (National Climate Change Adaptation Research Facility).

Sea Level Rise is a combination of natural climate change cycles and anthropogenic influences and the only way to stop Sea Level Rise is to mitigate these two factors. This should not be confused with coastal erosion which is caused by a combination of sea level rise, storm surges, and natural and human influenced coastal processes. With a range of solutions to mitigate coastal erosion the City has to balance the environmental, social, economic and resource implications any solution against a do nothing approach.

The City has recently engaged a coastal engineering specialist to undertake a coastal inundation study for the Point Moore area, and the City has extends the brief to take in the coastal areas from Point Moore through to, and including Drummonds Cove. This study will identify set-backs for development and areas subject to inundation.

Question

What Community can pay for sea walls all along kilometre after kilometre of coast and would you want to I and many challenge you to refer to previous reports and recommendations. The community actually want sandy beaches and nature along it's coast for as long as possible.

Before the place grows any more this Council needs to make clear the 30 year,60yr and 2100 projected SLR contours and plan accordingly. WILL this COUNCIL SHOW SOME LEADERSHIP ???

What is the logic of meeting each coastal problem with an immediate answer--USUALLY, rocks of some description, when a much more broad based plan is needed. A plan that is long sighted and considers our natural assets of sandy beaches and the aesthetic environment--a locality tourists will want to come to and help us prosper. Can we welcome people, visitors to our despoiled beaches now and hope they stay .I think not There is nothing 'special' about visiting a coast littered with groynes ,revetments ,rocks and concrete. Yes we need to secure the port area but we don't need to take this hard rock solution every where.

Response

The Coastal Processes Study undertaken by the City in 2010 provides coastal setback analyses for several coastal areas of Geraldton.

New residential development along coastal land parcels have to undertake setback analysis in line with State Coastal Planning Policy 2.6.

The Point Moore Coastal Inundation Study being undertaken will also provide setback analysis information.

As a coastal Local Government part of the City's role is to provide access to the coast and amenity nodes and exemplified in the Point Moore to Tarcoola Beach Foreshore Management Plan. This provides a hierarchy of levels of access which will inform the coastal management required. For major nodes where large numbers of people congregate the demand for community facilities and infrastructure increases and this requires more active management of the coastal environment. For minor nodes which require the provision of fewer amenities management of the coastal environment can be kept to a minimum.

Question

Returning to GREYS BEACH, When will the building rubble, hundreds of meters of it be removed from this tourist location that has it is reported a great deal of asbestos pieces laying about?

Response

Greys Beach has been impacted by coastal erosion with the loss of a car parking area. The City balanced the need to replace the carpark against the availability of other car parking facilities nearby and - identified that there was sufficient community car parking in the area not to warrant the replacement of

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the car park. However, the potential impact of the coastal erosion on the access road to the West End community and a coastal road popular with locals and tourists warranted its protection. Previous soft options including sand nourishment proved only to be a temporary solution. A more longer term solution based on Geotextile Sand Bags was investigate, but given its location the cost to implement this would have being too expensive to implement. A Lower cost option has been implemented and the area rehabilitated with stabilising jute matting and native coastal vegetation. Sand trapping fencing has also been installed to assist in the rehabilitation of this area. The City will investigate your assertion that there is a great deal of asbestos laying around on Greys Beach.

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

<b>Councillor</b>	<b>From</b>	<b>To (inclusive)</b>
Cr S Douglas	19 August 2015	21 September 2015

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

Cr S Keemink request for Leave of Absence for the period 14 August to 23 August 2015 inclusive be approved.

Cr D Brick request for Leave of Absence for the period of 18 August to 18 August 2015 be approved.

**CARRIED 15/0****6:28:19 PM**

<b>Mayor Carpenter</b>	<b>YES</b>
<b>Cr. Mcllwaine</b>	<b>YES</b>
<b>Cr. Van Styn</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Brick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Fiorenza</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>

## 7. PETITIONS, DEPUTATIONS OR PRESENTATIONS

CCS123 PETITION - LEASE OF CROWN LAND ON FORESHORE FOR A SEA CONTAINER CAFE
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<b>AGENDA REFERENCE:</b>	<b>D-15-39310</b>
<b>AUTHOR:</b>	<b>M Adam, Executive Assistant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>6 July 2015</b>
<b>FILE REFERENCE:</b>	<b>RM50100</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>YesX1</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to advise Council of the receipt of a petition regarding the allocation of crown land for the use of a 'Pop -up' shop, Café (Sea Container Café), on the Geraldton Foreshore. Interest in this proposal has arisen due to advertising by public notice, with public submissions being invited

### EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the petition in relation to the allocation of crown land for the use of a Pop up shop Café; and
2. REVIEW the report on the allocation of crown land for the use of a Sea Container Café, the subject of the petition, DRS219.

### PROponent:

The proponent is the City of Greater Geraldton

### BACKGROUND:

A petition has been presented to the City on the proposal to allocate crown land on the foreshore for use as a 'Pop up' shop, Café (Sea Container Café).

The City recently advertised the intent to lease a portion of Crown Reserve 50100 comprising a land area of 24m<sup>2</sup> for the purpose of a Pop up Café (Sea Container Café).

The petitioners are requesting the City of Greater Geraldton undertake public consultation regarding:

- the loss of cultural value of the proposed site for the Café, and
- the amount of lease fees payable under the proposed lease agreement with the 'Jaffle Shack' proprietor ( \$3948 plus GST per annum)

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

Please refer to Item DRS219 for a detailed analysis of economic issues associated with the proposed lease of crown land on the Geraldton Foreshore for a Sea Container café.

**Social:**

Please refer to Item DRS219 for a detailed analysis of the social issues associated with the proposed lease of crown land on the Geraldton Foreshore for a Sea Container café.

**Environmental:**

Please refer to Item DRS219 for a detailed analysis of environmental issues associated with the proposed lease of crown land on the Geraldton Foreshore for a Sea Container café.

**Cultural & Heritage:**

Please refer to Item DRS219 for a detailed analysis of cultural and heritage issues associated with the proposed lease of crown land on the Geraldton Foreshore for a Sea Container café.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

The petition was signed by 280 people

**LEGISLATIVE/POLICY IMPLICATIONS:**

Please refer to Item DRS219 for a detailed analysis of Legal/ policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

Please refer to item DRS219 for a detailed analysis of Regional outcomes associated with the proposed application.

**RISK MANAGEMENT**

Risk is minimised if the City follows the process outlined in the Meeting Procedures Local Law 2011.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

No alternative options have been considered, this petition meets the criteria as stipulated in the Meeting Procedures Local Law 2011.

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

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

1. **RECEIVE** the petition in relation to the allocation of crown land for the use of a Pop up shop Café; and
2. **REVIEW** the report on the allocation of crown land for the use of a Sea Container Café, the subject of the petition, DRS219.

**CARRIED 15/0**

**6:30:51 PM**

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



**8. DECLARATIONS OF CONFLICTS OF INTEREST**

Cr S Douglas declared a proximity interest in Item *DRS219 - Lease of Portion Of Crown Reserve 50100 – Sea Container Café* - as he owns a residential Lot in Forrest Street.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 23 June 2015; and Special Meeting of Council held on 2 July 2015 as previously circulated, be adopted as a true and correct record of proceedings.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 23 June 2015; and Special Meeting of Council held on 2 July 2015 as previously circulated, be adopted as a true and correct record of proceedings.

**CARRIED 15/0**

**6:31:46 PM**

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

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

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
24 June 2015	ABC Radio Interview – Outcomes of Ordinary Meeting of Council	Mayor Ian Carpenter
24 June 2015	Business and Regional Leaders Meeting - MWCCI	Mayor Ian Carpenter
25 June 2015	WA Museum Geraldton Community Advisory Committee Meeting	Mayor Ian Carpenter
25 June 2015	Leigh O'Brien send off	Mayor Ian Carpenter
25 June 2015	Public Forum – Property Valuation and Rates	Mayor Ian Carpenter
26 June 2015	CGG Restructure Farewell Event	Mayor Ian Carpenter
27 June 2015	Brunch with US Consul General	Cr Robert Hall
27 June 2015	Rotary Annual Dinner – Welcome to Incoming President Sue Herbert	Mayor Ian Carpenter
29 June 2015	Regular Meeting with Corporate Communications and Chief Executive Officer	Mayor Ian Carpenter
30 June 2015	Citizenship Ceremony – June 2015	Mayor Ian Carpenter
30 June 2015	NBN Forum and NBN Update Peter Gurney	Mayor Ian Carpenter
01 July 2015	Hon. Colin Holt, Minister for Housing , Racing and Gaming – Strategic Direction of Housing Portfolio	Mayor Ian Carpenter
02 July 2015	Media Briefing – Geraldton Guardian	Mayor Ian Carpenter
02 July 2015	Meeting with Minister Liza Harvey MLA	Mayor Ian Carpenter
02 July 2015	Special Meeting of Council – Adoption of 2015/16 Budget	Mayor Ian Carpenter
03 July 2015	2015/16 Budget Breakfast	Mayor Ian Carpenter
03 July 2015	Radio Mama Interview – Budget	Mayor Ian Carpenter
03 July 2015	ABC Radio Interview – Budget	Mayor Ian Carpenter
03 July 2015	Baker Williamson Studio Art Prize – Launch of Everlasting Wildflower Collection	Mayor Ian Carpenter
04 July 2015	Midwest Aero Club – Official Opening of New Clubrooms	Mayor Ian Carpenter
5 July 2015	Naidoc Dawn Service	Mayor Ian Carpenter
5 July 2015	Geraldton Run Fest – Award Presentation	Mayor Ian Carpenter
6 July 2015	Regular Meeting with Corporate Communications and Chief Executive Officer	Mayor Ian Carpenter
6 July 2015	Mayor's Morning Tea and Official Flag Raising Ceremony for Naidoc	Mayor Ian Carpenter
7 July 2015	Roy Purcher – Tarcoola Beach area	Mayor Ian Carpenter
7 July 2015	Spirit FM Interview – Council Meeting	Mayor Ian Carpenter

	Outcomes	
7 July 2015	ABC Radio Broadcast at Mullewa Youth Centre for Naidoc Week	Mayor Ian Carpenter
7 July 2015	Site Visit – Olive Street and POS	Mayor Ian Carpenter
7 July 2015	Concept Forum – July 2015	Mayor Ian Carpenter
7 July 2015	Regular Meeting with Corporate Communications and Chief Executive Officer	Mayor Ian Carpenter
9 July 2015	Welcome Reception – Mr Masanobu Yoshii – Consul General of Japan	Cr Robert Hall
10 July 2015	Opening of Wonthella Skate Park	Deputy Mayor Neil McIlwaine
10 July 2015	Launch of the Welcome to Country Guide	Director Andrea Selvey
10 July 2015	Drummond Cove Leasehold Properties Meeting	Deputy Mayor Neil McIlwaine
11 July 2015	Geraldton Fire & Rescue Service - Brigades Captains Dinner & Presentation Night	Mayor Ian Carpenter
11 July 2015	Opening of Geraldton Roller Derby Glam Fest 2015	Deputy Mayor Neil McIlwaine
13 July 2015	Regular Meeting with Corporate Communications and Chief Executive Officer	Mayor Ian Carpenter
13 July 2015	Regular Meeting with Ian Blayney MLA	Mayor Ian Carpenter
14 July 2015	MWDC Final Draft Blueprint review	Mayor Ian Carpenter
16 July 2015	Tour of Sun City Christian Centre	Mayor Ian Carpenter
21 July 2015	Spirit FM Radio Interview – CGG update	Mayor Ian Carpenter
20 July 2015	Sundowner – to welcome to Geraldton The Most Rev Patrick C Pinder STL CMG Archbishop of Nassau, Bahamas.	Mayor Ian Carpenter
21 July 2015	Agenda Forum – July 2015	Mayor Ian Carpenter
22 July 2015	Mid West Gascoyne District Emergency Management Committee	Mayor Ian Carpenter
22 July 2015	Beacon Foundation	Mayor Ian Carpenter
23 July 2015	Home Our Streets Seniors Activities	Cr Steve Douglas
23 July 2015	RCA Board Teleconference	Mayor Ian Carpenter
24 July 2015	Clem Burns Presentation – Museum	Mayor Ian Carpenter
25 July 2015	City Variety Concert	Mayor Ian Carpenter
27 July 2015	Telstra – Mullewa Mobile Discussion	Mayor Ian Carpenter
28 July 2015	Citizenship Ceremony – July 2015	Mayor Ian Carpenter
28 July 2015	Ordinary Meeting of Council – July 2015	Mayor Ian Carpenter

## 11. REPORTS OF INFRASTRUCTURE SERVICES

IS097 INTEGRATED TRANSPORT STRATEGY (ITS)	
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<b>AGENDA REFERENCE:</b>	<b>D-15-38902</b>
<b>AUTHOR:</b>	<b>M Atkinson, Manager Infrastructure Planning and Asset Management</b>
<b>EXECUTIVE:</b>	<b>N Arbuthnot, Director Infrastructure Services</b>
<b>DATE OF REPORT:</b>	<b>26 June 2015</b>
<b>FILE REFERENCE:</b>	<b>TT/12/0002</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x 1</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's endorsement of the Integrated Transport Strategy (ITS) for the City of Greater Geraldton.

### EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act 1995 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT the amendments for inclusion in the report; and
3. ADOPT for final approval the Integrated Transport Strategy (as amended).

### PROPONENT:

The proponent is City of Greater Geraldton.

### BACKGROUND:

The purpose of the ITS is to provide a blueprint for capital and operational prioritised investment into transport infrastructure. The City currently has transport assets valued in excess of half a billion dollars and very limited access to discretionary capital funds. The City needs an ITS to guide expenditure on integrated transport assets on a priority basis and to clearly communicate these priorities to internal and external stakeholders. The ITS was presented at the Council meeting of 28 April 2015 and resolved the following:

1. *ADOPT the Integrated Transport Strategy as a draft and advertise it for a period of 42 days; and*
2. *REQUIRE a further report to Council following the advertising period.*

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

#### Economic:

Improved traffic movement and potential for reduced transport costs.

**Social:**

Improved safety on the City's road and path networks.

**Environmental:**

Reduced travel times.

**Cultural & Heritage:**

There are no known cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

There are no known relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Throughout the development of the ITS, there has been various community and councillor consultation. This included:

1. Formal notices in the local paper;
2. Media releases;
3. Updates on social media;
4. Banner outside the council offices for the week prior to the public workshops;
5. Public survey (159 respondents);
6. Public workshops held on 8 May 2014 in the Function Room of the Civic Centre between 5:30 and 7:30pm and in Mullewa at the District Office on 9 May 2014 between 11:00am and 1:00pm.
7. A Stakeholder workshop held on 6 May 2014 in the Function Room of the Civic Centre between 12:30 and 3:30pm where the following agencies were invited to attend to discuss the ITS.
  - a. B&J Catalano
  - b. CBH
  - c. CGG
  - d. Department of Planning
  - e. Department of Finance
  - f. Department of Transport
  - g. Giacci
  - h. Geraldton Port Authority
  - i. Mid West Development Commission
  - j. MRWA
  - k. Patience Sandlands
  - l. Pirone
  - m. Public Transport Authority
  - n. RAC
  - o. Toll IPEC
  - p. WA Police

The advertising period of the ITS was undertaken for 42 days, commencing on 1 May 2015 and concluding on 11 June 2015 and involved the following:

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1. A notice appeared in the Geraldton Guardian on 1 May 2015 and 22 May 2015;
2. A Copy of the ITS was made available for viewing at the Civic Centre Office and Mullewa Office.
3. Detail of the ITS was published on the City's website and copies of the documents and associated mapping were available for download.
4. Details of the ITS was listed on the City's Facebook page;
5. The ITS was specifically referred to the following agencies and groups:
  - Major land developers,
  - Progress Associations,
  - Main Roads Western Australia,
  - Midwest Development Commission,
  - Midwest Ports Authority,

Updates on the process have been provided to Council via:

- A Briefing Note circulated on 1 April 2014.
- A Briefing Note circulated on 26 May 2014.
- A Briefing Note circulated on 7 October 2014.
- A presentation at Concept Forum on 7 April 2015.

As a result of the advertising, a total of 4 external submissions were received (none objecting to the proposal). Listed below is a summary of the main concerns raised during the public comment period.

- Direct lot access in industrial estates
- Pathways in Wonthella
- Large vehicle issues with intersections

A Schedule of Submissions is included as Attachment No. 1 and copies of the actual submissions are available to Council upon request.

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

The ITS has been prepared to integrate with and support the Local Planning Strategy and Scheme and expand on its proposals.

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

The ITS is vital to guide prioritised future transport infrastructure investment and also operational guidance.

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

4. Economy	Transportation
Strategy 4.2	4.2.1 Developing more efficient transport options that are secure and safe to sustain our lifestyle 4.2.2 Integrating multimodal transport options into all future planning to reduce demand on light

	vehicles.
5. Governance	Planning and Policy
Strategy 5.2	5.2.1 Responding to community aspirations by providing creative yet effective planning and zoning for future development 5.2.4 Maintaining ease of living in a small sized city, satellite communities and rural communities 5.2.5 Supporting the creation of a 20 minute city where community infrastructure is accessible by car, bike or foot 5.2.6 Supporting decisions to create a long term sustainable city

**REGIONAL OUTCOMES:**

Improved transport networks safety and reduced travel times and costs.

**RISK MANAGEMENT**

The ITS will direct investment into necessary transport assets that are identified as a priority for the needs of the City.

**ALTERNATIVE OPTIONS CONSIDERED**

No alternative options have been considered by officers.

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

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act 1995 RESOLVES to:

1. **DETERMINE** the submissions as outlined in the 'Schedule of Submissions';
2. **ADOPT** the amendments for inclusion in the report; and
3. **ADOPT** for final approval the Integrated Transport Strategy (as amended).

**CARRIED 15/0**

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

## 12. REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS122 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER	
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<b>AGENDA REFERENCE:</b>	<b>D-15-39309</b>
<b>AUTHOR:</b>	<b>M Adam, Executive Assistant</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Corporate &amp; Commercial Services</b>
<b>DATE OF REPORT:</b>	<b>7 July 2015</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 X 1</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of the reviewed Register of Delegations to the Chief Executive Officer (CEO).

### EXECUTIVE RECOMMENDATION;

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

1. ADOPT the reviewed Register of Delegations to the Chief Executive Officer as provided in the attachment.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

Section 5.42(1) of the Local Government Act states:

*"A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under-*

*(a) this Act other than those referred to in Section 5.43; or*

*(b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

Further to this, Section 5.46(2) states:

*(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

This year a variation to the proposed 2015/2016 register is the addition of the following delegations:

- Town Planning Schemes P6 (page 41).
- Administer Local Laws 1.18 (page 23).
- Issue Infringement Notices BF3 (page 53).

Other than the above changes, the remaining minor variations include amendments to a number of Act references and changes to titling, to



accurately reflect the content of the delegations and the statutory power of delegation.

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

#### **Economic:**

There are no economic impacts.

#### **Social:**

There are no social impacts.

#### **Environmental:**

There are no environmental impacts.

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

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

CCS062 Delegations to the Chief Executive Officer was adopted on 23 July 2014 and CCS083 Additional Delegations to the CEO was adopted on 28 October 2014.

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

There has been no community/councillor consultation.

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

Section 5.42 (1) provides that:

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 –
  - a. This Act other than those referred to in section 5.43; or
  - b. The Planning and Development Act 2005 section 214(2), (3) or (5).

(\*) *Absolute majority required.*

Section 5.43(a) to 5.43(h) of the Local Government Act 1995 provide limitations on what powers and duties a local government can delegate to its CEO, stating that:

“A local government cannot delegate to a CEO any of the following powers or duties:

- a) Any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
  - b) Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
  - c) Appointing an auditor;
  - 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;
  - e) Any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
-

- 
- f) Borrowing money on behalf of the local government;
  - g) Hearing or determining an objection of a kind referred in section 9.5;
  - h) Any power or duty that requires the approval of the Minister or the Governor; or
  - i) Such other powers or duties as may be prescribed.”

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

There are no impacts to regional outcomes.

**RISK MANAGEMENT**

Council can decide not to delegate some of its powers to the CEO however there is risk that without delegation of some of its powers to the CEO there will be a significant impact on the efficient and effective delivery of services as all decisions requiring the exercise of a delegation would have to go to Council. This would cause a delay as Council only meets once a month so it would slow down the delivery of services.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

Council can decide not to delegate some of its powers to the CEO however for the reasons above it is recommended that Council adopts the reviewed register of delegations to the CEO.

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

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

1. **ADOPT** the reviewed Register of Delegations to the Chief Executive Officer as provided in the attachment.

**CARRIED BY ABSOLUTE MAJOIRTY 14/1****6:35:13 PM**

<b>Mayor Carpenter</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Van Styn</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>NO</b>
<b>Cr. Brick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Fiorenza</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>YES</b>

**13. REPORTS OF COMMUNITY SERVICES**  
Nil.

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

## 15. REPORTS OF DEVELOPMENT AND REGULATORY SERVICES

DRS218 CPO39 - FORESHORE USE & DEVELOPMENT POLICY	
<b>AGENDA REFERENCE:</b>	<b>D-15-40367</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Economic, Land &amp; Property Development</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development &amp; Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>8 July 2015</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x1</b>

### EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of CPO39 Foreshore Use & Development Policy.

### EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to Section 1.7 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the draft 'CP039 – Foreshore Use & Development Policy' for the purpose of seeking public comment;
2. ADVERTISE the draft 'CP039 – Foreshore Use & Development Policy' for a period of 42 days; and
3. REQUIRE a further report to council following the advertising period.

### PROPONENT:

The proponent is the City of Greater Geraldton.

### BACKGROUND:

This policy acknowledges the significant economic, social, cultural and heritage benefits that the Geraldton foreshore has to the Community. The proposed policy identifies the following six key principles as effective framework for the management of the foreshore reserve. These are:

- Activation of the foreshore recognizing that while public open space is a high priority and should not be compromised, people want amenities and activities that enhance their experience of the foreshore.
- The effective use and management of the foreshore reserve resulting in a space that is people focused, not building focused and promotes active and passive recreation that promotes health and wellbeing.
- To enable opportunities for activities that respects the essence of the place and enables providers to offer services and facilities to the public to enhance their visit to the foreshore.

- Recognition, respect, celebration and inclusion of Yamaji cultural significance of the Geraldton foreshore.
- Recognise the role of the Foreshore as a vehicle for community expression
- Open and transparent engagement and communication with stakeholders and the community on all significant matters relating to the foreshore.

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

### **Economic:**

This policy provides a framework for the significant economic benefits for a well management public foreshore.

### **Social:**

This policy provides a framework for the significant social, wellbeing and enhancement of facilities for the community for a well management public foreshore.

### **Environmental:**

There are no environmental impacts relating to this proposal

### **Cultural & Heritage:**

There are various sites of significance identified by the Yamaji people that remain to this day as part of their historical cultural ties to the foreshore.

These identified sites as per appendix 1 of the policy, and provide a point of reference; however the significance of these areas on the foreshore to the Yamaji People long precedes the past and current built infrastructure.

## **RELEVANT PRECEDENTS:**

There are no relevant precedents known to the author.

## **COMMUNITY/COUNCILLOR CONSULTATION:**

The proposed draft Policy CPO39- Foreshore Use & Development Policy. was presented to Councillors at the Concept Forum on 7 July 2015.

## **LEGISLATIVE/POLICY IMPLICATIONS:**

The following statutory implications are applicable:

- Part 3, Section 3.58 of the *Local Government Act 1995* which describes how Local Government is to dispose of property;
- Part 6, Division 5, Subdivision 2 of the *Local Government Act 1995* determines that a Local Government may impose fees and charges;
- Part 6, Regulation 30 of the *Local Government (Functions and General) Regulations 1996* describes exemptions pursuant to Section 3.58 of the LGA;
- Part 6 of the *Land Administration Act 1997* determines Sales, Lease and Licences of Crown land; and

- Section 3.18 of the *Local Government Act 1995* relating to the adoption of policies by Council.

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

There are no direct financial or budget implications, however, there may be opportunities for leasing for other recreational activities on the Foreshore.

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

Title: Governance	Inclusive civic and community engagement and leadership.
Strategy 5.2.7	Ensuring efficient and effective delivery of service

#### **Regional Outcomes:**

There are no potential impacts, either positive or negative to regional outcomes.

#### **RISK MANAGEMENT:**

The overall aim of this Policy is to provide an effective framework to minimise risk in the management of proposals for commercial business infrastructure development, recreational and other usages on the foreshore reserve in order to achieve the six key principles of the policy, namely activation, effective use, enabling, recognition and communication.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Council could choose to defer or not adopt a policy for the Foreshore however given the level of community interest in the area a policy for the area is recommended.

*Cr Keemink left Chambers at 6.40pm*

*Cr Keemink returned to Chambers at 6.41pm*

*Cr N McIlwaine foreshadowed an alternative motion, should the amended Motion be Lost*



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

That Council by Simple Majority pursuant to Section 1.7 of the Local Government Act 1995 RESOLVES to:

1. **ADOPT** the draft 'CP039 – Foreshore Use & Development Policy' for the purpose of seeking public comment;
2. **ADVERTISE** the draft 'CP039 – Foreshore Use & Development Policy' for a period of 14 days; and
3. **REQUIRE** a further report to council following the advertising period.

**LOST 9/6**  
**6:42:53 PM**

Mayor Carpenter	YES
Cr. McIlwaine	NO
Cr. Van Styn	YES
Cr. Graham	NO
Cr. Brick	NO
Cr. Hall	YES
Cr. Fiorenza	NO
Cr. Thomas	NO
Cr. Caudwell	NO
Cr. Critch	YES
Cr. Douglas	NO
Cr. Keemink	YES
Cr. Tanti	NO
Cr. deTrafford	YES
Cr. Clune	NO

**REASON FOR VARIATION FOR TO THE EXECUTIVE RECOMMENDATION:** That Council advertise the Policy for a period of 14 days, in recognition that the matter should be settled as quickly as possible.

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

That Council by Simple Majority pursuant to Section 1.7 of the Local Government Act 1995 RESOLVES to:

1. **ADOPT** the draft 'CP039 – Foreshore Use & Development Policy' for the purpose of seeking public comment;
2. **ADVERTISE** the draft 'CP039 – Foreshore Use & Development Policy' for a period of 42 days; and
3. **REQUIRE** a further report to council following the advertising period.

**CARRIED 12/3**

**6:44:46 PM**

<b>Mayor Carpenter</b>	<b>YES</b>
<b>Cr. Mcllwaine</b>	<b>YES</b>
<b>Cr. Van Styn</b>	<b>NO</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Brick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>NO</b>
<b>Cr. Fiorenza</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>NO</b>
<b>Cr. Clune</b>	<b>YES</b>

<b>DRS219 LEASE OF PORTION OF CROWN RESERVE 50100 – SEA CONTAINER CAFÉ</b>
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<b>AGENDA REFERENCE:</b>	<b>D-15-39900</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Economic, Land &amp; Property</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>8 July 2015</b>
<b>FILE REFERENCE:</b>	<b>R50100</b>
<b>APPLICANT / PROPONENT:</b>	<b>West End Hospitality Pty Ltd</b>
<b>ATTACHMENTS:</b>	<b>Yes x 2</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to approve the lease of a 48m<sup>2</sup> portion of land on foreshore reserve 50100 for the purposes of a sea container café.

**EXECUTIVE RECOMMENDATION;**

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

1. APPROVE a lease of portion of Crown Reserve 50100 comprising a land area of 48m<sup>2</sup> for the purpose of a sea container café to West End Hospitality Pty Ltd;
2. MAKE the determination subject to:
  - a. consent from the Minister for Lands;
3. SET the proposed conditions as:
  - a. enter into a three (3) year lease agreement with an option of two further terms of three years (3+3+3) by both parties, commencing 1 September 2015;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. conduct a current ground market valuation prior to the second further term option to establish the lease fee;
  - d. set the commencement lease fee at \$7,896 plus GST per annum;
  - e. the acceptance of a set of agreed key performance indicators focussing on anti-social behaviour, litter control, activation and surrounding development;
4. THE Lessee being responsible for separately paying;
  - a. all applicable rates, taxes and other utilities;
  - b. all connection and installation or services to the leased area;
  - c. all costs associated with:
    - i. the preparation, execution and registration of the lease;
    - ii. survey plans of the lease area;
    - iii. all other costs associated with the lease; and
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container café that compliments and adds to the vibrancy /functionality of the Geraldton foreshore/ surrounding area.

**PROPONENT:**

The proponent is the West End Hospitality Pty Ltd.

**BACKGROUND:**

Council at its meeting on the 28 April 2015 resolved the following:

1. *GIVE local public notice of the intent to lease a portion of Crown Reserve 50100 comprising a land area of 24m<sup>2</sup> for the purpose of a sea container café to West End Hospitality Pty Ltd;*
2. *MAKE the determination subject to:*
  - a) *advertising notice period of not less than 14 days inviting public submissions;*
  - b) *consent from the Minister for Lands;*
3. *SET the proposed conditions as:*
  - a) *enter into a 3 years plus 3 years plus three years (3+3+3) lease agreement commencing 1 July 2015 with a further term option of three (3) years;*
  - b) *adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;*
  - c) *conduct a current ground market valuation prior to any further term option to establish the lease fee;*
  - d) *set the commencement lease fee at \$3,948 plus GST per annum;*
4. *LESSEE is responsible for separately paying:*
  - a) *all applicable rates, taxes and other utilities;*
  - b) *all connection and installation or services to the leased area;*
  - c) *all costs associated with:*
    - i. *the preparation, execution and registration of the lease;*
    - ii. *survey plans of the lease area;*
    - iii. *all other costs associated with the lease; and*
5. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

The proposed lease area is located on a portion of Reserve 50100 which has a Management Order vested in the City. The Management Order gives the City the power to lease for a period of up to 42 years with consent from the Minister for Lands.



*Note: The proposed location is indicated by a red box as shown (not to scale).*

The proponent since the Council Agenda Forum on Tuesday 21 July 2015 has reconsidered his proposal following listening to the community and their varied concerns and now seeks to utilise 48m<sup>2</sup> of area of the above reserve located near the Foreshore Drive/Forrest Street intersection to install a sea container café' which will be alfresco focused and contained within a side opening sea container. The container is to be fully clad and roofed so as to disguise the fact it is a sea container and give the appearance of a shack.

The footprint area of the lease is 8m x 6m (48m<sup>2</sup>) essentially sea container with concrete tie downs and a verandah/decking containing universal access.

The proponent will be responsible for the construction and maintenance of the timber deck/universal access and fitting out of the sea container and the external cladding including and the supply of tables and chairs. The furniture will be free standing and secured after hours on the verandah/decking of the leased area.

The proposal will be subject to a formal lease and conditions that will relate to the termination of the lease will provide for the removal of the sea container, concrete tie downs and decking along with the potential disconnection of all services to the leased area and rehabilitation of the area at the lessees cost at the termination of the lease.

The lease will also have specific key performance indicators that will be applied that will relate to, but not limited to, matters such as anti-social behaviour, litter control, and activation.

The proponent has proposed these changes after reflection of the Council Agenda Forum discussions on Tuesday 21 July 2015. The proponent has shown a willingness to work to achieve a positive outcome for the City and

community to achieve an amenity that would enhance the activation and foreshore experience in this location.

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

**Economic:**

This proposal has the potential to offer a viable business opportunity for a local business looking for an opportunity to locate in a prime Geraldton location. Small businesses, such as this one could be operated from this site, and will add to the economic vibrancy and vitality of our community in an area where they are currently lacking.

**Social:**

A small business, such as a café could enhance social quality of life by providing another meeting place for people, particularly those with young children using the playground and play areas in the vicinity.

**Environmental:**

There are no environmental impacts relating to this proposal.

**Cultural & Heritage:**

There is no cultural, heritage or indigenous impacts relating to this proposal.

A consultative process was undertaken by the Aboriginal Community Development Officer for the City of Greater Geraldton investigating sites that held significance for the Yamaji people of Geraldton. The outcome of this process was that four sites of significance were identified by the Yamaji people that remain to this day a part of their historical cultural ties to the foreshore area.

However, none of the sites relate to the area now called the Yarning Circle. The Yarning Circle was discussed and the majority of Aboriginal Elders believe that the site of the Yarning Circle was not consistent with their memories of the Geraldton foreshore area and was in fact designed by the original foreshore project architects.

**RELEVANT PRECEDENTS:**

The City leases Crown Reserves for a variety of purposes consistent with the Management Order. The Dome Café is located on a portion of the same reserve as is the former Rest Centre that has recently been leased by the City for café' and alfresco purposes.

The City has current precedents of providing assistance for leasing of land/developments including the above mentioned businesses on the foreshore reserve including generous alfresco eating areas. The City does not charge other businesses that provide alfresco areas on footpaths, even where they restrict access to patrons only. It is considered that it would be inconsistent to charge the proponent for the alfresco/public space area if other businesses are not being charged.

**COMMUNITY/COUNCILLOR CONSULTATION:**

This item was presented at the Council Concept Forum on 7 April 2015 for information and discussion.

Council at its meeting on the 28 April 2015 resolved in part to give local public notice of the intent to lease a portion of Crown Reserve 50100 comprising a land area of 24m<sup>2</sup> for the purpose of a sea container café to West End Hospitality Pty Ltd. This determination was subject to the statutory advertising of not less than 14 days inviting public submissions on the proposal. This advertising period closed on the 2 June 2015.

A total number of 28 submissions were received. 10 supported the proposal and 18 were against. A petition with 280 signatures was also received opposing the proposal (Item CCS123).

The 'Schedule of Submissions' received is included as Attachment DRS219A.

In relation to the submissions there were several key areas of concern/comment:

- The use of the term "Pop Up" was contested, the term came from research into similar uses of containers interstate and overseas where they "Pop Up" on site. To reflect the use the term "Sea Container Café" is now used.
- There were a mixed range of views on both the location and on another "building" being on the foreshore, both in support and objecting. The draft policy addresses these aspects.
- Concern at the process and perception of exclusivity for the proponent. The proponent approached the City with a concept that was believed to have merit, the concept was the proponents idea. The question considered by officers was "should the City then have taken that idea and offered it to others to put a bid in?" There has to be recognition that someone had an idea, it had value and be supported in that it offers a product and an activity not currently catered for in that area. The process for the potential ground lease is advertised, it does not stop others from expressing interest for other activities.
- The lease fee, several submitters believed the lease fee was too low. The Act requires the City to obtain a valuation, which it did, the lease fee is for a ground valuation only as is. The proponent must pay to supply services to the site, which is part of the cost of setting up this business.
- The alfresco deck area, concern that it was not part of the lease area. The alfresco area will be provided by the proponent who will not be given exclusive rights to the area. It has been treated the same way other alfresco areas for other businesses in the City Centre/ Foreshore area i.e. no lease fees.
- The Champion Bay Surf Life Saving Club also believes the City is considering the sea container café above their request for a foreshore site. There is no comparison between a 24m<sup>2</sup> site and the surf club aspirations for a building in excess of 350m<sup>2</sup>.

The proposal also featured very strongly on social media following the proponents posting of a letter on the 25 May 2015 of a letter to the editor on “Everything Geraldton” whereby 1032 likes have been posted and 210 comments have been written providing strong positive support. This screen snapshot is included as Attachment DRS219B.

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

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

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

Section 3.58:

- (1) *In this section –  
“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
“property” includes the whole or any part of the interest of a local government in property, but does not include money*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –  
(a) it gives local public notice of the proposed disposition –  
(i) describing the property concerned; and  
(ii) giving details of the proposed disposition; and  
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and  
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

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

A commencement lease fee of \$7896 (+ GST) which is exclusive of applicable Local Government rates and taxes and adjusted at CPI per annum as at 1 July for the first five year term and the first further term option.

A current market valuation will be conducted prior to the further term options to establish the lease fee.



**INTEGRATED PLANNING LINKS:**

Title: 2. Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: 3 Social	A strong healthy community which is equitable, connected and cohesive
Strategy 3.1.2	Encouraging informal recreation though well planned and developed public open spaces, cycle/walk paths and green streetscapes
Title: Governance	Inclusive civic and community engagement and leadership
Strategy: 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community

**Regional Outcomes:**

There are no potential impacts, either positive or negative to regional outcomes.

**RISK MANAGEMENT:**

There are no consequent risks inherent in approving – or not approving – the recommendation.

**ALTERNATIVE OPTIONS CONSIDERED**

There are possible options to defer the lease until after the policy on the foreshore has been advertised and finally considered by Council, this is not supported as the policy (as drafted) would allow consideration of proposals such as this as long as the criteria is met. The other option for consideration by Council is to not approve the lease and decline the proposal as submitted. This is not supported as the proposal will potentially increase activation in this section of the foreshore and offer a product different to that already available in the area.

*Cr S Douglas declared a proximity interest in Item DRS219 - Lease Of Portion Of Crown Reserve 50100 – Sea Container Café’ - as he owns a residential Lot in Forrest Street and left Chambers at 6.44pm.*

#### **PROCEDURAL MOTION**

#### **MOVED CR DETRAFFORD, SECONDED CR TANTI**

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

1. That Council defer the item.

**LOST 8/6**  
**6:46:58 PM**

Mayor Carpenter	NO
Cr. McIlwaine	NO
Cr. Van Styn	YES
Cr. Graham	NO
Cr. Brick	YES
Cr. Hall	YES
Cr. Fiorenza	NO
Cr. Thomas	NO
Cr. Caudwell	YES
Cr. Critch	NO
Cr. Douglas	N/V
Cr. Keemink	NO
Cr. Tanti	YES
Cr. deTrafford	YES
Cr. Clune	NO

#### **COUNCIL DECISION**

#### **MOVED CR KEEMINK, SECONDED CR CRITCH**

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

1. **APPROVE** a lease of portion of Crown Reserve 50100 comprising a land area of 48m<sup>2</sup> for the purpose of a sea container café to West End Hospitality Pty Ltd;
2. **MAKE** the determination subject to:
  - a. consent from the Minister for Lands;
3. **SET** the proposed conditions as:
  - a. enter into a three (3) year lease agreement with an option of two further terms of three years (3+3+3) by both parties, commencing 1 September 2015;
  - b. adjust the lease fees annually as at 1 July in line with the preceding March Consumer Price Index for Perth;
  - c. conduct a current ground market valuation prior to the second further term option to establish the lease fee;

- 
- d. set the commencement lease fee at \$7,896 plus GST per annum;
  - e. the acceptance of a set of agreed key performance indicators focussing on anti-social behaviour, litter control, activation and surrounding development;
4. THE Lessee being responsible for separately paying;
- a. all applicable rates, taxes and other utilities;
  - b. all connection and installation or services to the leased area;
  - c. all costs associated with:
    - i. the preparation, execution and registration of the lease;
    - ii. survey plans of the lease area;
    - iii. all other costs associated with the lease; and
5. DELEGATE authority to the Chief Executive Officer to approve a design for the sea container café that compliments and adds to the vibrancy/functionality of the Geraldton foreshore/surrounding area.

**CARRIED 11/3**

**7:12:58 PM**

Mayor Carpenter	YES
Cr. McIlwaine	YES
Cr. Van Styn	NO
Cr. Graham	YES
Cr. Brick	YES
Cr. Hall	YES
Cr. Fiorenza	YES
Cr. Thomas	YES
Cr. Caudwell	YES
Cr. Critch	YES
Cr. Douglas	N/V
Cr. Keemink	YES
Cr. Tanti	NO
Cr. deTrafford	NO
Cr. Clune	YES

*Cr S Douglas returned to Chambers at 7.12pm*

<b>DRS220 ACQUISITION AND DISPOSAL OF VARIOUS CROWN RESERVES</b>
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<b>AGENDA REFERENCE:</b>	<b>D-15-39904</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Economic, Land &amp; Property</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>1 July 2015</b>
<b>FILE REFERENCE:</b>	<b>R34449, R44807, R31543, 29549, R48689, R48448, R49967, R40027, R27506, R28116</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to proceed with the statutory processes to the acquisition and subsequent disposal to various Crown reserves that have been identified as surplus to the City's requirements as detailed in the endorsed City of Greater Geraldton Public Open Space (POS) Strategy.

The intent is to convert the reserves to freehold land and dispose of them via public auction or private treaty with the profits from sales to be held in a POS Trust in respect to the relevant locality areas for future upgrades of other reserves and recreational facilities in the near vicinity.

**EXECUTIVE RECOMMENDATION;**

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

1. ACQUIRE the following Crown Reserves as listed under Section 20A "Public Recreation" Reserves Policy Guidelines for 5% of the unimproved land valuation from the Crown:
  - a. R34449 (Lot 2740) McAleer Drive, Mahomets Beach;
  - b. R44807 (Lot 3011) Omega Place, Spalding;
  - c. R31543 (Lot 2590) Pollett Street, Spalding;
  - d. R29549 (Lots 2504,2742) Hammersley Street, Spalding;
  - e. R48689 (Lot 12707) Wahn Ave, Waggrakine;
  - f. R48448 (Lot 12691) Macedonia Drive, Glenfield;
  - g. R49967 (Lot 596) Woodman Street, Utakarra;
  - h. R40027 (Vic Loc 11732) Edward Road, Narngulu;
  - i. R27506 (Lot 2331) Off Cairncross Street, Beresford;
  - j. R28116 (Lot 2334) Off Cairncross Street, Beresford;
2. DISPOSE of the now freehold lots by way of public auction or private treaty;
3. DELEGATE authority to the Chief Executive Officer to set the reserve prices; and
4. ESTABLISH specific Public Open Space Trust Accounts for each lot to receive proceeds from the profits of the sales for distribution for

future upgrades of other reserves and recreation facilities within each vicinity.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

Pursuant to Regulations 12A and 12B of the Town Planning Regulations 1967, the City prepared and adopted as a local planning strategy the Public Open Space Strategy. Council resolved at the meeting held 28 May 2013 to adopt the draft Public Open Space Strategy and seek consent to advertise from the WA Planning Commission.

The WA Planning Commission requested some modifications to the POS Strategy and subsequently granted consent to advertise on 26 June 2014. The POS Strategy was publicly advertised, commencing on 14 August 2014 and ended 26 September 2014. The Strategy is currently with the WA Planning Commission pending the final endorsement.

The POS Strategy identified various reserves vested in the City that are deemed as surplus to the City's requirements because of an excess of POS in those areas.

As these reserves were created under Section 20A of the Town Planning and Development Act 1928 and vested in the City by way of management order for Public Recreation, the City may apply to acquire these reserves from the Crown under Section 20A "Public Recreation" Reserves Policy Guidelines for 5% of the unimproved land valuation.

If successfully acquired, the reserves may then be disposed of pursuant to Section 3.58 of the Local Government Act 1995 and proceeds from the disposal to be allocated to the POS Trust for the improvement of other reserves and recreational facilities in the near vicinity.

Council at its meeting on the 24 March 2015 resolved the following:

1. *GIVE local public notice of the intent to ACQUIRE the following Crown Reserves as listed under Section 20A "Public Recreation" Reserves Policy Guidelines for 5% of the unimproved land valuation from the Crown:*
  - *R34449 (Lot 2740) McAleer Drive, Mahomets Beach;*
  - *R44807 (Lot 3011) Omega Place, Spalding;*
  - *R31543 (Lot 2590) Pollett Street, Spalding;*
  - *R29549 (Lots 2504,2742) Hammersley Street, Spalding;*
  - *R48689 (Lot 12707) Wahn Ave, Waggrakine;*
  - *R48448 (Lot 12691) Macedonia Drive, Glenfield;*
  - *R49967 (Lot 596) Woodman Street, Utakarra;*
  - *R40027 (Vic Loc 11732) Edward Road, Narngulu;*
  - *R27506 (Lot 2331) Off Cairncross Street, Beresford; and*
  - *R28116 (Lot 2334) Off Cairncross Street, Beresford.*
2. *MAKE the determination subject to:*

- a) *advertising notice period of not less than 42 days inviting public submissions;*
3. *REFER the matter back to Council for final consideration if any objecting submissions are received;*
4. *SUBJECT to point (3) above; ACQUIRE the Crown Reserves as listed in point (1) above;*
5. *DISPOSE of the now freehold lots by way of public auction or private treaty;*
6. *DELEGATE authority to the Chief Executive Officer to set the reserve prices; and*
7. *ESTABLISH specific Public Open Space Trust Accounts for each lot to receive proceeds from the profits of the sales for distribution for future upgrades of other reserves and recreation facilities within each locality.*

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

### **Economic:**

There is economic stimulus related to this proposal.

### **Social:**

The funds raised from the disposal of the surplus reserves will be allocated to the improvement of established reserves (POS) in the relevant areas. This will assist the City to meet the active and passive recreation needs of the community

### **Environmental:**

There are no environmental impacts relating to this proposal.

### **Cultural & Heritage:**

There is no cultural, heritage or indigenous impacts relating to this proposal.

## **RELEVANT PRECEDENTS:**

Following the statutory advertising process, Council at its meeting on the 22 March 2011 resolved to acquire Reserves 46001 (Lot 3086) Eastern Road, 28031 (Lot 2357 King Street, 40233 (Lot 2890) Quarry Street, 34453 (Lot 2737) Drew Street, 29788 (Lot 2514) Houston Street, from the Crown under Section 20A "Public Recreation" Reserves Policy Guidelines. for 5% of the unimproved land valuation. Once the City obtains these lots in fee simple, they may be disposed pursuant to Section 3.58 of the Local Government Act 1995 at the current market value.

The WA Planning Commission and the Department of Lands at this point of the acquisition process declined to approve the acquisition of the above Reserves due to the absence of an up to date POS Strategy. As a result, the City initiated the new POS Strategy.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Council adopted the POS Strategy and the purpose and intent of that strategy at the meeting held 28 May 2013. In addition, the POS strategy was effectively advertised within the community and the strategic importance of land acquisition and disposal was discussed and supported by the community at the Community forums involving the range and level of services project undertaken by the City.

The statutory advertising closed 30 June 2015 and at the conclusion the City received three written submissions, these were as follows:

- one objection from a Hamersley street resident advising that the City should upgrade the park instead of selling off; and
- two providing no objections, namely Water Corporation and the other from an adjacent property owner expressing individual interest in acquiring a property.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Pursuant to section 74 of the Land Administration Act 1997 – Part 6 Division 2 – Sale of Crown Land

- (1) *The Minister may sell Crown land and may, without limiting the generality of that power –*  
(f) *sell Crown land by public auction, public tender or by private treaty;*

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

Section 3.58:

- (2) *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*
- (4) *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 –*  
(iv) *describing the property concerned; and*  
(v) *giving details of the proposed disposition; and*  
(vi) *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.*

**FINANCIAL AND RESOURCE IMPLICATIONS:**

Funds from the sale of the reserves would be allocated to specific POS Trust accounts designated for the allocation to improvement of other reserves and recreational facilities in the near vicinity and will allow for potential savings to existing budget allocations for POS management.

**INTEGRATED PLANNING LINKS:**

Title: 2. Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: 3 Social	A strong healthy community which is equitable, connected and cohesive
Strategy 3.1.2	Encouraging informal recreation though well planned and developed public open spaces, cycle/walk paths and green streetscapes
Title: Governance	Inclusive civic and community engagement and leadership
Strategy: 5.2.1	Responding to community aspirations by providing creative yet effective planning and zoning for future development

**Regional Outcomes:**

There are no potential impacts, either positive or negative to regional outcomes.

**RISK MANAGEMENT**

The disposal of the lots by the City will be as determined with market conditions.

**ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options for consideration.

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

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

1. **ACQUIRE** the following Crown Reserves as listed under Section 20A "Public Recreation" Reserves Policy Guidelines for 5% of the unimproved land valuation from the Crown:
  - a. R34449 (Lot 2740) McAleer Drive, Mahomets Beach;
  - b. R44807 (Lot 3011) Omega Place, Spalding;
  - c. R31543 (Lot 2590) Pollett Street, Spalding;
  - d. R29549 (Lots 2504,2742) Hammersley Street, Spalding;
  - e. R48689 (Lot 12707) Wahn Ave, Waggrakine;
  - f. R48448 (Lot 12691) Macedonia Drive, Glenfield;
  - g. R49967 (Lot 596) Woodman Street, Utakarra;
  - h. R40027 (Vic Loc 11732) Edward Road, Narngulu;



- i. **R27506 (Lot 2331) Off Cairncross Street, Beresford;**
- j. **R28116 (Lot 2334) Off Cairncross Street, Beresford;**
- 2. **DISPOSE** of the now freehold lots by way of public auction or private treaty;
- 3. **DELEGATE** authority to the Chief Executive Officer to set the reserve prices; and
- 4. **ESTABLISH** specific Public Open Space Trust Accounts for each lot to receive proceeds from the profits of the sales for distribution for future upgrades of other reserves and recreation facilities within each vicinity.

**CARRIED 15/0**

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

**DRS221 LEASE OF PORTION OF CROWN RESERVE 2562**

<b>AGENDA REFERENCE:</b>	<b>D-15-39905</b>
<b>AUTHOR:</b>	<b>L MacLeod, Coordinator Land, Leasing and Maintenance</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>9 July 2015</b>
<b>FILE REFERENCE:</b>	<b>A18413</b>
<b>APPLICANT / PROPONENT:</b>	<b>Geraldton Volunteer Marine Rescue Group (Inc)</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Councils support to enter into a new lease agreement with the Geraldton Volunteer Marine Rescue Group (Inc) (GVMRG) to enable them to expand their current facilities at Point Moore.

**EXECUTIVE RECOMMENDATION;**

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

1. ENTER into a new lease agreement with the Geraldton Volunteer Marine Rescue Group (Inc.) for approximately a 189 square metre portion of Crown Reserve 2562;
2. SET the conditions as follows:
  - a. enter into a ten (10) year lease agreement commencing 1 September 2015;
  - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges 2015/16 reviewed annually;
  - c. to be in accordance with the principles of Council Policy CP049 Community Group Land Lease/Licence Policy;
3. MAKE the determination subject to consent from the Minister for Lands;
4. DETERMINE the lessee be responsible for separately paying;
  - a. Relevant building insurance;
  - b. All applicable rates, taxes, and other utilities; and
  - c. Legal expenses associated with the preparation, execution and registration of the lease.

**PROPONENT:**

The proponent is Geraldton Volunteer Marine Rescue Group (Inc).

**BACKGROUND:**

The GVMRG has been operating from the purpose built facility on the second level of the City's public toilet block located at Point Moore since 1994.

Crown Reserve 2562 is vested in the City of Greater Geraldton by a Management Order for the purpose of Esplanade and Recreation with the power to lease with Ministerial Consent. A licence agreement was entered into between the GVMRG and the former City of Geraldton on 1 July 1994 for a period of 20 years which has now expired.

The GVMRG are now proposing to upgrade and expand their facility and are seeking a new lease agreement. This agreement will be in consideration of the resolution of Council on 22 April 2014 regarding the Point Moore Beach Cottage leases in which the City will not consider any new leases in this area beyond 2025 until the detailed study examining the coastal inundation, protection, environmental health studies is completed.

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

#### **Economic:**

There are no economic impacts as the Club is already established on portion of the Reserve.

#### **Social:**

The organisation plays a vital role in promoting safety at sea for the recreational boating community.

#### **Environmental:**

A detailed coastal inundation, protection, and environmental assessment of the area is to be conducted to advise the City of any future coastal and environmental risk to the Point Moore area.

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

There are no cultural or heritage impacts.

### **RELEVANT PRECEDENTS:**

The City leases portions of Crown Reserves and freehold land to community organisations for a variety of recreational purposes.

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

There has been no community/councillor consultation.

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

Section 3.58 of the Local government Act 1995 details the process for “disposing” (in this case leasing) of property. Regulation 30 of the Local Government Functions and General Regulations describes dispositions of property excluded from Section 3.58 of the Local Government Act 1995 for recreational, sporting and other like nature organisations.

CP049 Community group Land Lease/Licence Policy details the process for the leasing of Crown Land to Community Groups.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The lease fee is set by the City of Greater Geraldton Schedule of Fees and Charges 2015/16 adopted by Council and reviewed annually. The commencement lease fee is \$373.00 per annum inclusive of GST.

**INTEGRATED PLANNING LINKS:**

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

**REGIONAL OUTCOMES:**

Recreational activities in regional areas are a vital link in developing opportunities to network and socialise whilst providing a wide range of activities. The City recognises the importance of supporting sporting and recreational groups and their volunteers as an important benefit to the Greater Geraldton region as a whole.

**RISK MANAGEMENT**

A detailed coastal inundation, protection, and environmental assessment of the area is to be conducted to advise the City of any future coastal and environmental risk to the Point Moore area.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

No other options have been considered by City officers as the Club is already well established on that portion of the Reserve and to lease for a term of 10 years will place the Clubs lease expiry in line with the other leases in the Point Moore area.

**COUNCIL DECISION****MOVED CR MCILWAINE, SECONDED CR DOUGLAS**

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

1. **ENTER** into a new lease agreement with the Geraldton Volunteer Marine Rescue Group (Inc.) for approximately a 189 square metre portion of Crown Reserve 2562;
2. **SET** the conditions as follows:
  - a. enter into a ten (10) year lease agreement commencing 1 September 2015;
  - b. commence the lease fee in line with the City of Greater Geraldton Schedule of Fees and Charges 2015/16 reviewed annually;
  - c. to be in accordance with the principles of Council Policy CP049 Community Group Land Lease/Licence Policy;
3. **MAKE** the determination subject to consent from the Minister for Lands;
4. **DETERMINE** the lessee be responsible for separately paying;
  - a. Relevant building insurance;
  - b. All applicable rates, taxes, and other utilities; and

**c. Legal expenses associated with the preparation, execution and registration of the lease.**

**CARRIED 15/0**

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

**DRS222 VARIATION TO LEASE – FOODBANK OF WA INCORPORATED**

<b>AGENDA REFERENCE:</b>	<b>D-15-40174</b>
<b>AUTHOR:</b>	<b>L MacLeod, Coordinator Land, Leasing and Maintenance</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Development and Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>2 July 2015</b>
<b>FILE REFERENCE:</b>	<b>A17856</b>
<b>APPLICANT / PROPONENT:</b>	<b>Foodbank of WA Incorporated</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council's support to vary the lease agreement between the City and Foodbank of Western Australia Incorporated to progress the construction and future development of the site.

**EXECUTIVE RECOMMENDATION;**

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

1. APPROVE the variation to the current lease by amending the land area from approximately 3000 square metres to approximately 6380 square metres.

**PROPONENT:**

The proponent is Foodbank of Western Australia Incorporated.

**BACKGROUND:**

At the Ordinary Meeting of Council of 28 February 2012 the following was resolved:

1. APPROVE the disposal by lease of approximately 3000 square metres of Lot 2782, Reserve 37021 Crawford Street, Webberton to Foodbank WA;
2. MAKE the determination subject to:
  - a. Any works being subject, and compliant with any necessary town planning, building compliance and other statutory approvals;
3. SET the proposed Foodbank lease conditions as:
  - a. Enter into a twenty one (21) year lease agreement subject to Ministerial consent;
  - b. The Management Order for Reserve 37021 is amended to "Community Centre and Drainage" with the power to lease for up to twenty one (21) years;
  - c. A commencing lease fee of \$305.00 as per the adopted City of Greater Geraldton Schedule of Fees and Charges reviewed annually; and
  - d. The lessee being responsible for separately paying all applicable rates, taxes and other utilities.

It has been identified during the development application stage that the original portion of Reserve 37021 allocated to Foodbank is not large enough to cater for Foodbank's needs including:

1. Accommodating the turning circle required for their distribution trucks.
2. Increasing the leased area of the Reserve will enable the free flow of the ingress and egress to the lot.
3. Achieving increased setbacks from adjacent residential lots; and
4. also provide area for future expansion should this be required.

This request will not affect any future development over the City's freehold lot 92 which is adjacent to Reserve 37021, the City had no other identified use for this balance area of the reserve.

It is also noted that there has been adjacent resident concern regarding this project believing the use is putting an industrial activity into the adjacent residential area. The use is for a community based organisation and the City is working with Foodbank to mitigate the concerns being raised.



The City has no foreseeable purpose for the extra land required by Foodbank.

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

### **Economic:**

There are no economic impacts.

### **Social:**

Foodbank provide an important charitable function making a significant contribution to the social welfare to the Midwest Region.

### **Environmental:**

There are no environmental impacts.

### **Cultural & Heritage:**

There are no cultural or heritage impacts.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

There are no legislative or policy implications.

**FINANCIAL AND RESOURCE IMPLICATIONS:**

There are no financial or resource implications as the standard lease fee for Community Groups outlined in the City's Schedule of Fees and Charges will still apply.

**INTEGRATED PLANNING LINKS:**

Title: Social	A strong healthy community which is equitable, connected and cohesive.
Strategy 3.5.2	Encouraging the improvement of health services and facilities for the greater community including Aboriginal and Torres Strait Islander health facilities to support future population growth.
Strategy 3.5.3	Promoting healthy life style initiatives and living standards.

**REGIONAL OUTCOMES:**

Foodbank Geraldton's branch extends to Carnarvon, Mt Magnet and Moora and is currently the busiest regional branch. Foodbank Geraldton supplies almost 80,000 much needed meals each month to people in our region,

**RISK MANAGEMENT**

There are no inherent risks identified with this proposal.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

City officers consider there are no alternative options as this Reserve is was originally selected as a "best fit" option.

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

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

- 1. APPROVE the variation to the current lease by amending the land area from approximately 3000 square metres to approximately 6380 square metres.**

**CARRIED 15/0**

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



**DRS223 PROPOSED CHINA DELEGATION OCTOBER 2015**

<b>AGENDA REFERENCE:</b>	<b>D-15-39969</b>
<b>AUTHOR:</b>	<b>Han Jie Davis, Economic Development Officer</b>
<b>EXECUTIVE:</b>	<b>Phil Melling, Director Department of Development and Regulatory Services</b>
<b>DATE OF REPORT:</b>	<b>9 July 2015</b>
<b>FILE REFERENCE:</b>	<b>ED/2/0005</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes x 3</b>

**EXECUTIVE SUMMARY:**

This report seeks Council approval to approve a mixed delegation comprising of representatives of the Midwest Development Commission, City of Greater Geraldton, and Midwest Development Commission's Midwest Tourism Alliance to attend the 2015 World Islands Tourism Conference in Zhoushan, China which includes a business delegation preceding the Conference visiting WA Trade Office in Shanghai and Hangzhou, and the City's Strategic Partner City – Linfen.

**EXECUTIVE RECOMMENDATION;**

That Council by Simple Majority pursuant to Section 3.1 of the Local Government Act 1995 RESOLVES to:

1. ENDORSE the business and tourism delegation to China; and
2. APPOINT Councillor \_\_\_\_\_ as the Council representative to visit China and also attend the 2015 World Islands Tourism Conference in Zhoushan, China.

**PROponent:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

The City has been invited by the Zhoushan Foreign Affairs Office to attend the 2015 World Islands Tourism Conference in Zhoushan, China, to be held from 12 to 14 October 2015. The 2015 World Islands Tourism Conference is an international conference sponsored by the World Tourism Organization, China National Tourism Administration, and Zhejiang Provincial People's Government. The theme of the conference is "Interconnecting the Marine Silk Road, Sharing the Islands Development", and it aims to strengthen International cooperation, promote tourism management, connect tourism agencies and businesses, and promote island tourism products.

The City proposes that the following delegates be considered to represent Geraldton and the Midwest:

1. The Hon. Murray Criddle (or other nominated member) – Chairperson, Midwest Development Commission
2. Jacinta Shen – Member of the Midwest Tourism Alliance

3. Brian Robartson – Manager of Economic Development, City of Greater Geraldton
4. Han Jie Davis – Economic Development Officer, City of Greater Geraldton
5. Ken Diehm – CEO, City of Greater Geraldton
6. Councillor – It would be seen as a positive protocol to have a Councillor also present to represent the Council.

The City has been approached by a number of business people expressing an interest in forming a public/private sector delegation to visit China. The City has looked at two options that could be made available to the Private sector as follows:

***Option 1***

Invite businesses owners that are currently involved in the tourism industry to send a representative to the World Island Tourism Conference. There would be no additional cost to Council and with the Chinese Government funding accommodation and domestic travel, the only cost to the tourism representatives would be their airfares from Geraldton to China.

In addition to attending the conference, representatives could also attend meetings with tourism agents that will be present at the conference and the proposed visit to the WA Trade Office in Hangzhou.

***Option 2***

Invite expressions of interest through the MWCCI for representatives to participate in a business delegation preceding the conference. The delegation would visit the following cities over a period of four days:

1. Shanghai – To visit the WA Trade Office and local industry representative bodies to discuss ways in which to improve trade and commerce between the China and the Midwest region;
2. Linfen – To sign the Strategic Partnership between Linfen and the City of Greater Geraldton, meet with our Local Government counterparts to discuss ways in which to improve trade and commerce between the China and the Midwest region. Whilst visiting Linfen it is also proposed that the delegation meet with Mr Wu (Chairman of Shanxi Jianbang Group) to discuss the development of the Top Iron mine and further develop our relationship with the company and its executive.

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

**Economic:**

The attendees of this Conference will include government and local government bodies, International hotels, airlines, travel agencies, cruise liners, e-commerce, financial organisations and media which would provide the following benefits to the City of Greater Geraldton and the Midwest Tourism Industry:

1. A marketing opportunity to showcase our tourism product to the International tourism industry and Chinese market, through the display of
-

video material and the distribution of brochures and promotional products at the conference;

2. The opportunity to directly communicate with key tourism industry players, such as airlines and tourism agencies, to explore tourism opportunities with China and promote our regions tourism product and potential;
3. Build upon our Sister City relationship with Zhoushan by personally discussing ways in which we can enhance our relationship through tourism, industry, and educational opportunities in our respective cities;
4. The opportunity to market the suitability of the PTA land and BCM2 land for hotel or other commercial development and in addition the Airport Technology Park with its fibre optic connectivity;
5. The ability to work with the Zhoushan local government in the development of the China Connect web site that will provide links between Chinese and Midwest.
6. Significant media exposure to potentially millions of Chinese tourists.

**Social:**

Long term relationships with Cities in China will be the bridge between communities and cultures.

**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

Development of relationships between the City of Greater Geraldton and cities in China presents opportunities for exchange between cultures.

**RELEVANT PRECEDENTS:**

Council has previously supported delegations to China in 2012 and 2013.

**COMMUNITY/COUNCILLOR CONSULTATION:**

There has been no community/councillor consultation.

**LEGISLATIVE/POLICY IMPLICATIONS:**

The relevant Council policy for this item is the current Policy of Establishing International Relations (CP024).

**FINANCIAL AND RESOURCE IMPLICATIONS:**

The Zhoushan Foreign Affairs Office has generously agreed to meet all conference costs for delegates from Geraldton, including registrations, accommodation, meals, and travel whilst in Zhoushan. As a result of this generosity, the total approximate cost for each City participant in this delegation would be \$3,800(including Jacinta Shen) including return airfare between China and Australia, attending the 2015 World Islands Tourism

Conference, and a business delegation preceding the Conference, which includes visiting WA Trade Office in Shanghai and Hangzhou, and the City's Strategic Partner City – Linfen.

The costs of the delegation party are to be funded from allocated budget Economic Development – Sister Cities Relationships.

Local business and community stakeholders joining the delegation would be required to fund their own expenses.

**INTEGRATED PLANNING LINKS:**

Title: Governance	Advocacy and Partnerships
Strategy 5.5.3	Partnering with key international communities through Sister City partnerships and Strategic Alliances.

**REGIONAL OUTCOMES:**

International alliances with China will ultimately lead to investment opportunities and partnerships throughout the Mid West Region in areas like tourism, mining and trade.

**RISK MANAGEMENT**

The City has formally signed the Strategic Partnership Agreement with Zhoushan City, according to this Agreement, the partner cities will carry out cooperation in fields of trade, tourism, logistics, and education and so on. Declining the invitation from Zhoushan City would directly impact on the partnership that just established after years of joint effort and commitment.

**ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS**

The following options were considered by City Officers:

To minimise the cost, the City considered attending the Islands Tourism Conference in Zhoushan only, but from the economic outcome perspective, this option is not supported.

To maximise the outcome of the visit, the City considered to visit Zhanjiang (in Guangdong Province, the Sister City of City of Greater Geraldton) whilst the delegation in China, but the duration and cost would increase from 11 days at \$3800 per delegate to 14 days at \$4800 per delegate.

*The Mayor called for Nominations for a Council Representative*

*The following nomination was received:*

*Cr S Van Styn*

*The Mayor called for any further nominations*

*Cr P Fiorenza nominated Cr S Douglas  
Cr Douglas accepted the nomination.*

*Being there were more nominations than Council representation required, a secret ballot was held. B Davis to be the returning officer and A Selvey the scrutineer.*

*The following Councillor was elected as Council Representative:*

*Cr S Douglas*

### **COUNCIL DECISION**

#### **MOVED CR VAN STYN, SECONDED CR MCILWAINE**

**That Council by Simple Majority pursuant to Section 3.1 of the Local Government Act 1995 RESOLVES to:**

1. **ENDORSE** the business and tourism delegation to China; and
2. **APPOINT** Councillor S Douglas as the Council representative to visit China and also attend the 2015 World Islands Tourism Conference in Zhoushan, China.
3. **APPOINT** Councillor S Van Styn as a proxy to attend as Council representative, should Councillor S Douglas be unavailable to attend.

**CARRIED 14/1**

**7:33:01 PM**

<b>Mayor Carpenter</b>	<b>YES</b>
<b>Cr. McIlwaine</b>	<b>YES</b>
<b>Cr. Van Styn</b>	<b>YES</b>
<b>Cr. Graham</b>	<b>YES</b>
<b>Cr. Brick</b>	<b>YES</b>
<b>Cr. Hall</b>	<b>YES</b>
<b>Cr. Fiorenza</b>	<b>YES</b>
<b>Cr. Thomas</b>	<b>YES</b>
<b>Cr. Caudwell</b>	<b>YES</b>
<b>Cr. Critch</b>	<b>YES</b>
<b>Cr. Douglas</b>	<b>YES</b>
<b>Cr. Keemink</b>	<b>YES</b>
<b>Cr. Tanti</b>	<b>YES</b>
<b>Cr. deTrafford</b>	<b>YES</b>
<b>Cr. Clune</b>	<b>NO</b>

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

**That Council S Van Styn be appointed as Proxy in the event that Cr Douglas was unable to attend the visit to China, as timing would not permit this matter to be brought back to Council.**

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

<b>AGENDA REFERENCE:</b>	<b>D-15-41431</b>
<b>AUTHOR:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>EXECUTIVE:</b>	<b>K Diehm, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>13 July 2015</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0012-04</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**EXECUTIVE SUMMARY:**

To receive the Reports of the City of Greater Geraldton.

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

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

1. RECEIVE the following appended reports:
  - a. Reports – Community Services:
    - i. CS216 – Heritage Advisory Committee Meeting Minutes – 11 June 2015
  - b. Reports – Development & Regulatory Services:
    - i. DRS224 - Crime Prevention Committee Minutes - 19 June 2015
    - ii. DRSD100 – Delegated Determinations

**PART B**

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

1. RECEIVE the following appended reports:
  - a. Reports – Corporate and Commercial Services:
    - i. CCS124 - Confidential Report – List of Accounts Paid Under Delegation June 2015

**PROponent:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

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

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be

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presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

**COMMUNITY/COUNCILLOR CONSULTATION:**

Not applicable.

**LEGISLATIVE/POLICY IMPLICATIONS:**

Not applicable.

**COUNCIL DECISION****MOVED CR DETRAFFORD, SECONDED CR GRAHAM****PART A**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Community Services:**
    - i. CS216 – Heritage Advisory Committee Meeting Minutes – 11 June 2015**
  - b. Reports – Development & Regulatory Services:**
    - i. DRS224 - Crime Prevention Committee Minutes - 19 June 2015**
    - ii. DRSD100 – Delegated Determinations**

**PART B**

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

- 1. RECEIVE the following appended reports:**
  - a. Reports – Corporate and Commercial Services:**
    - i. CCS124 - Confidential Report – List of Accounts Paid Under Delegation June 2015**

**CARRIED 15/0**

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

## 17. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### NOTICE OF MOTION - CONTINUING RECOGNITION OF LEGACY PLACE NAMES

<b>AGENDA REFERENCE:</b>	<b>D-15-41036</b>
<b>AUTHOR:</b>	<b>Cr J Clune</b>
<b>DATE OF REPORT:</b>	<b>14 July 2015</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>Council</b>
<b>ATTACHMENTS:</b>	<b>NO</b>

#### **Councillor Comment**

The name of a local government district is a formal artifice under the Local Government Act. It has particular purposes, defining a land area boundary within which certain matters become the responsibility of the local government corporation governed by an elected Council. The boundary also includes properties, the owners of which become electors of the district, for the purposes of electing the members of the governing Council. These are long-recognised conventions.

The process of local government amalgamations brings with it new Local Government names, that replace over time the settlement names of the smaller local government districts that preceded the large amalgamated district. Thus the first amalgamation saw City of Geraldton and Shire of Greenough merge to become the City of Geraldton-Greenough. The subsequent merger with Shire of Mullewa saw the local government district name changed to City of Greater Geraldton.

The names of Greenough and Mullewa thus disappeared from the name of the local government district.

Progressively, with the subsequent consolidation, alignment and modernisation of multiple town planning schemes, or the alignment and consolidation of differential rating categories into a smaller number of categories - and there are a wide range of examples - the place names of the legacy local government districts tend to disappear from the formal instruments and other artefacts of local government processes. The legacy names, the names of the settlements, the Place Names, continue to have cultural heritage value to the community.

Even though the Place Names do not change, within the local government context a sense of loss of identity arises for some of the different Communities of Interest spread across the larger local government district.

To the extent practicable, it is therefore important to continue to acknowledge the original settlements that were the seats of government for the legacy local governments that together now comprise the City local government.



**Executive Comment**

The City remains committed to acknowledging the cultural heritage significance of its legacy councils.

**COUNCILLOR MOTION:**

That Council, by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. COMMIT to continuing recognition and use of the heritage place names of Geraldton, Greenough and Mullewa, and other recognised place names, in description of or reference to localities or communities of interest with the City District, to the extent practicable and appropriate in City policies, strategies, plans, budgets and other formal instruments.

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

That Council, by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. COMMIT to continuing recognition and use of the heritage place names of Geraldton, Greenough and Mullewa, and other recognised place names, in description of or reference to localities or communities of interest with the City District, to the extent practicable and appropriate in City policies, strategies, plans, budgets and other formal instruments.

**CARRIED 15/0**

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

*Before the meeting closed Cr Thomas asked permission to speak, which was granted by the Mayor.*

*Cr Thomas thanked all the City staff who performed in the Variety Concert on Saturday 25 July 2015 at the Queens Park Theatre, which she and other councillors attended. She was really proud of the staff members that we have in the City of Greater Geraldton and proud that they were able to raise over \$5,000 for Variety WA. Cr Thomas congratulated those staff for their involvement in the bettering of our community.*

*The Mayor concurred with Cr Thomas' comments and added it was a lovely evening and congratulated Bob Davis and the staff who performed at the concert.*

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

Nil.

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

Nil.

**20. CLOSURE**

There being no further business the Presiding Member closed the Council meeting at 7.37pm.

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

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