



ORDINARY MEETING OF COUNCIL

AGENDA

28 MAY 2013

TABLE OF CONTENTS

1	ACKNOWLEDGEMENT OF COUNTRY	2
2	DECLARATION OF OPENING.....	2
3	ATTENDANCE.....	2
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
5	PUBLIC QUESTION TIME	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	6
7	PETITIONS, DEPUTATIONS OR PRESENTATIONS.....	6
8	DECLARATIONS OF CONFLICTS OF INTEREST	6
9	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – AS CIRCULATED.....	6
10	ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION).....	7
11	SIGNIFICANT STRATEGIC MATTERS	9
	<i>OP0045 DEREGULATION OF TRADING HOURS.....</i>	<i>9</i>
	<i>SC106 ADOPTION OF DRAFT PUBLIC OPEN SPACE STRATEGY</i>	<i>18</i>
	<i>SC107 FINAL ADOPTION OF THE RESIDENTIAL DEVELOPMENT STRATEGY... </i>	<i>23</i>
	<i>SC108 FINAL ADOPTION OF THE COMMERCIAL ACTIVITY CENTRES STRATEGY</i>	<i>31</i>
12	AUDIT AND RISK MANAGEMENT.....	39
13	STRATEGIC & POLICY MATTERS.....	40
	<i>OP0043 GERALDTON CITY CENTRE VIBRANCY POLICY & STRATEGY.....</i>	<i>40</i>
	<i>TF061 DISPOSAL OF FREEHOLD LAND - LOT 3062 – (53) CATHEDRAL AVENUE (SGIO CAR PARK).....</i>	<i>45</i>
	<i>TF059 BUNDYBUNNA ABORIGINAL CORPORATION – REQUEST FOR RATES EXEMPTION</i>	<i>52</i>
	<i>SC103 OBJECTION TO NOTICE REGARDING LIGHT CAUSING NUISANCE – LANDS EDGE CLOSE, BLUFF POINT.....</i>	<i>58</i>
	<i>SC104 FINAL ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – RESIDENTIAL R40, WANDINA</i>	<i>63</i>
	<i>SC105 PROPOSED CLOSURE AND REALIGNMENT OF A PORTION OF MINNENOOKA ROAD, WALKAWAY.....</i>	<i>68</i>
	<i>CC107 CREATIVE COMMUNITY PLAN AND POLICY</i>	<i>72</i>
	<i>CC108 DISABILITY ACCESS AND INCLUSION PLAN.....</i>	<i>79</i>
14	OPERATIONAL MATTERS	84
	<i>OP0040 VOTING DELEGATES FOR THE 2013 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING.....</i>	<i>84</i>
	<i>OP0041 APPLICATION FOR FREEDOM OF ENTRY TO THE CITY OF GREATER GERALDTON</i>	<i>87</i>
	<i>OP0042 INTERNATIONAL RELATIONS - VISIT TO THE CITY OF BUKITTINGGI... </i>	<i>91</i>
	<i>OP0044 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER.....</i>	<i>95</i>
	<i>OP0046 REQUEST FOR SPONSORSHIP – CHINA/AUSTRALIA BASKETBALL SERIES.....</i>	<i>99</i>
	<i>TF060 ST JOHN OF GOD OUTREACH SERVICES REQUEST FOR RATES EXEMPTION</i>	<i>103</i>
	<i>TF062 TRIENNIAL RECURRENT GRANT ALLOCATIONS.....</i>	<i>107</i>
	<i>CI044 FLORES/PLACE ROAD INTERSECTION APPROPRIATION OF FUNDS AND CONTRACT VARIATIONS.</i>	<i>114</i>
	<i>CI045 RFT29 1213 - CONSTRUCTION OF CELL 3 AT MERU WASTE DISPOSAL FACILITY</i>	<i>119</i>

<i>CI046</i>	<i>RFT52 1213 - SUPPLY OF UNDERGROUND STORAGE AND INFILTRATION COMPONENTS FOR THE STORM WATER HARVESTING PROJECT</i>	<i>123</i>
<i>CI047</i>	<i>RFT53 1213 - CONSTRUCTION OF STORMWATER HARVESTING INFRASTRUCTURE IN CBD/MAITLAND PARK.....</i>	<i>126</i>
<i>CI048</i>	<i>RFT54 1213 – CONSTRUCTION OF STORMWATER HARVESTING INFRASTRUCTURE FOR THE GERALDTON CENTRAL 1 SUMP NETWORK</i>	<i>130</i>
<i>CI049</i>	<i>RFT55 1213 – CONSTRUCTION OF STORM WATER HARVESTING INFRASTRUCTURE IN THE WEBBERTON/SPALDING SUMP NETWORK</i>	<i>133</i>
<i>CI050</i>	<i>RFT58 1213 – CONSTRUCTION OF STORM WATER HARVESTING INFRASTRUCTURE IN OLIVE STREET</i>	<i>136</i>
15	REPORTS TO BE RECEIVED.....	140
16	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	142
17	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	142
18	URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING	142
19	CLOSURE	142
	APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED	143

CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 28 MAY 2013 AT 5.30PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

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

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders and to knowledge embedded forever within the Aboriginal Custodianship of Country.

2 DECLARATION OF OPENING

3 ATTENDANCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5 PUBLIC QUESTION TIME

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

Mr Max Correy, 5 Bayview Street, Geraldton

Question 1

This question relates to the article from Geraldton Guardian Page 3, Friday May 3 2013.

It states 'he said {Mayor} the proposed rate rise the 2013/14 year was appropriate when bearing in mind a 33% rate in the dollar decrease in 2008.'

Can Mayor Carpenter please explain how a 33% rate in the dollar decrease 5 years ago logically leads to the proposed 7.2% rate increase for the 2013/14 year?

Response

The rate in the dollar decrease for GRV in 2008/09 resulted in inadequate rates revenue to recover the net budget deficits brought forward from the separate pre-amalgamation Councils, with deficits flowing through into 2009/10, failed to provide for any increase in funding for essential assets renewal relative to depreciation expenses in 2008/09 and failed to provide any own sourced funding capacity for new capital projects. The decreased rates in the dollar in 2008/09 were excessive decreases and that had a compounding effect on levels of rates revenue in the subsequent years, setting the 2008/09 revenue base too low within the 4-yearly GRV valuation cycle.

Question 2

We have a mountain of evidence showing that the usual process for Councils is to reduce the R.I.D. in a revaluation year so as to keep rate increases at a steady and sustainable level.

Please explain why the Mayor keeps stating that the huge rate increase in 2012/13 was caused by the GRV increase?

Mayor Slams rate rise Guardian 3/5/12, Page 3.

Response

It is the case that for properties that experienced a spike in their GRV valuations (and not all did in 2012), that when those increased valuations were applied to the rate in the dollar determined by Council, those properties experienced high increases in rates payable.

Mr Correy's assertion that it is "*..usual process for Councils to reduce rate in the dollar in re-valuation years so as to keep rate increases at a steady and sustainable level*" is too generalised, for example not recognising the differences in cycles between 4-yearly GRV and annual-UV revaluations, and the differences that can occur in direction of valuations for GRV and UV properties year to year.

In years when urban GRV valuations may rise, rural UV valuations may fall, and vice versa, so in a particular year it may be that differential rates in the dollar for one may rise, while they may decrease for the other.

Reality is that revaluation years do not always result in valuation increases and it is not the case in revaluation decrease years that Councils reduce rates in the dollar.

To illustrate the variations, UV property valuations increased on average at 2012 valuation time, but on average have *decreased* by over 3% in 2013.

Ultimately, the Local Government Act 1995 requires a Council to formulate a budget having regard to the plan for the future of its district and to determine the revenue it requires from rates after estimating costs of its planned expenditure programs and its revenues from sources other than rates.

That's what the Council did, and its rates in the dollar for 2012/13 were calculated accordingly, applying the GRV and UV valuation rolls provided by Landgate, in accordance with the Act.

Question 3

(A) Why is the council raising capital from ratepayers to commercially develop land previously gifted to them? Surely with a \$0 land cost the CGG is able to borrow the development costs against the land and repay them from sale proceeds without further taxing ratepayers for what may or may not prove to be a commercial unsuccessful venture – and over what timeframe.

The Flourmill Estate immediately to the North of the CBD and with Ocean aspects has proved very difficult to sell at comparable prices for several years; and

(B) If the Project is commercially viable why does the CGG not Joint Venture this project (and others) with private enterprise providing risk capital and project expertise (and efficiency), thereby protecting the interest of Ratepayers while still realising funds for the new Sports Complex – in the event the project is commercially successful. For example the Seacrest Estate JV between Dept of Housing (State Govt) and Springdale Holdings (Private Geraldton equity Group).

Response

It is assumed that this question refers to the Olive Street development project. The City is **not** raising capital (through rates revenue) for this project. The City is borrowing the funds for this development and the loan will be serviced by proceeds from land sales. On the suggested approach of a joint venture, local governments in WA have no power under the Local Government Act to undertake joint ventures with the private sector. Councils are currently not allowed to do it. In contrast, State agencies such as Department of Housing do have statutory powers to undertake joint ventures with the private sector.

The City notes that, contrary to other public commentary, nor is the City raising capital via rates revenues to undertake the Karloo/Wandina project (which has \$9M of Federal assistance, and \$13M of State assistance), or the Airport landside utilities upgrade project (which has \$2.7M of State support). In both cases, loan funds, not rates revenue, is being applied to those projects. The Karloo/Wandina is a joint venture between Department of Housing and the City.

Question 4

A large number of ratepayers believe that the solution to the rare situation in 2012/13 and 2013/14 is to quash the rate increase of 2012/13 and use the \$29M starting point and increase rates by 7.6% in the year 2012/13 and 2013/14 as was the Council policy determined in 2009.

Is this a consideration by the Councillors? If not, why not? Can Council please explain why the rate policy of 2009 was not adhered to when there is evidence to support that this policy would achieve adequate funds to complete projects which are in the normal scope of Local Councils?

Response

Attention is drawn to the minutes of the Council meeting of 9 July 2012, the Special meeting at which Council adopted the budget for 2012/13. In the final report to Council, Option 2 presented for Council deliberation and debate was based on 7.5% increase in aggregate rates, fees and charges revenue collections above 2011/12, with a calculated effect closely approximating the approach suggested in this question. That rates model was considered and was debated by Council on 9 July 2012 but did not receive support amongst Councillors and the Council, by Absolute Majority, resolved to adopt Option 1, which had an average 6.7% increase in GRV rates in the dollar, combined with 15% increase in minimum payments.

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

Councillor	From	To (<i>Inclusive</i>)
Cr N Bennett	27 June 2013	22 July 2013
Cr D Brick	23 May 2013	26 May 2013

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

Mayor Ian Carpenter has declared a direct financial interest in Item OP0045 Deregulated Trading Hours, as his son works for Queens IGA and Mr Rigter is a long standing client of the company he works for.

Cr Des Brick has declared an indirect interest in Item TF060 St John of God Outreach Services Request for Exemption from Rates, as his clients may stay there.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Greater Geraldton held on 23 April 2013 as previously circulated, be adopted as a true and correct record of proceedings.

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

Date	Function	Representative
25/04/2013	Anzac Day - Main Service	Mayor Ian Carpenter
26/04/2013	MWDC Board Meeting	Mayor Ian Carpenter
29/04/2013	Cheryl Wood Meeting - Freedom of the City	Mayor Ian Carpenter
30/04/2013	WIN Television Regional Achievement & Community Awards	Mayor Ian Carpenter
30/04/2013	On Badimaya Country Photo Exhibition & book launch	Cr Ron Ashplant
30/04/2013	Budget Workshops	Mayor Ian Carpenter
1/05/2013	Catch up meeting with Ken Diehm	Mayor Ian Carpenter
2/04/2013	Discussions Indonesia Visit - Han Jie Davis	Mayor Ian Carpenter
2/05/2013	Councillor Budget workshop	Mayor Ian Carpenter
3/05/2013	Karara House Opening Ceremony	Mayor Ian Carpenter
3/05/2013	Australian Airports Association WA Regional Meeting	Mayor Ian Carpenter
3/05/2013	ACBC Possible Midwest Branch Discussion - Market Creations	Mayor Ian Carpenter
5/04/2013	Open Bridal Expo	Mayor Ian Carpenter
6/05/2013	Disability in the Arts, Disadvantage in the Arts WA (DADAA) Consultation	Mayor Ian Carpenter
6/05/2013	CEO Mayor Catch up	Mayor Ian Carpenter
7/05/2013	CEO/Mayor/Media Catch up	Mayor Ian Carpenter
7/05/2013	Concept Forum 2013 - Behind Closed Doors	Mayor Ian Carpenter
8/05/2013	Sailors & Soldiers AGM	Mayor Ian Carpenter
10/05/2013	ABC Radio Interview - Rates Discussions	Mayor Ian Carpenter
10/05/2013	VIP closing function of the 2013 Mid-West Art Prize	Mayor Ian Carpenter
13/05/2013	OPR Good Heart Mid-West Aboriginal Art Exhibition	Mayor Ian Carpenter
13/05/2013	SHINE strategic funding workshop	Mayor Ian Carpenter
14/05/2013	Budget Workshops	Mayor Ian Carpenter
15/05/2013	Radio MAMA Interview	Mayor Ian Carpenter
15/05/2013	Local Emergency Management Committee Meeting	Mayor Ian Carpenter
15/05/2013	Glenfield Sewerage Treatment Plant Meeting	Mayor Ian Carpenter
17/05/2013	Volunteer Expo	Cr Neil Bennett
17/05/2013	Meeting - Department of Local Government	Mayor Ian Carpenter
17/05/2013	WA Museum's Exclusive Launch	Mayor Ian Carpenter
20/05/2013	ABC Radio Interview - Constitutional Referendum	Mayor Ian Carpenter
20/05/2013	Meet & Greet with Media - CEO & Mayor	Mayor Ian Carpenter
20/05/2013	Sister City Committee Meeting 2	Mayor Ian Carpenter
21/05/2013	Launch of WA Indigenous Story Brook	Mayor Ian Carpenter
21/05/2013	Regular Meeting with Michele McGinity - Media Update	Mayor Ian Carpenter
21/05/2013	Mayor, CEO, Deputy Mayor - Discuss Agenda	Mayor Ian Carpenter
21/05/2013	Agenda Forum 2013	Mayor Ian Carpenter
23/05/2013	Grants Commission Meeting	Mayor Ian Carpenter
24/05/2013	Catch up meeting with Ken Diehm	Mayor Ian Carpenter
25/05/2013	Mid-West Chamber of Commerce and Industry Business Excellence Awards	Mayor Ian Carpenter

26/05/2013	Mass of Thanksgiving to Honour and Farewell the Sisters of St John of God	Mayor Ian Carpenter
27/05/2013	Meeting - Honourable Tony Simpson MLA	Mayor Ian Carpenter
27/05/2013	Meeting - Honourable Terry Redman MLA	Mayor Ian Carpenter
27/05/2013	Meeting - Honourable Dr Kim Hames	Mayor Ian Carpenter
27/05/2013	Meeting - Honourable M Morton MLC	Mayor Ian Carpenter
27/05/2013	Meeting - Honourable Helen Morton MLC	Mayor Ian Carpenter
27/05/2013	USA Memorial Day Wreath Laying Service	Cr Bob Hall
27/05/2013	Foreshore Public Art Work Entitled 'Emu Egg' Official Launch	Cr Neil Bennett
28/05/2013	Cultural Tour for Reconciliation Week - with Derek Councillor	Mayor Ian Carpenter
28/04/2013	Ordinary Meeting of Council	Mayor Ian Carpenter

11 SIGNIFICANT STRATEGIC MATTERS

OP0045 DEREGULATION OF TRADING HOURS	
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AGENDA REFERENCE:	D-13-33314
AUTHOR:	R Smallwood, Manager Economy Innovation and Technology
EXECUTIVE:	C Wood, Director Organisational Performance
DATE OF REPORT:	8 May 2013
FILE REFERENCE:	ED/3/0003
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x3)

SUMMARY:

The purpose of this report is to provide Council with the public submissions received and the outcomes of the community survey carried out by the City in response to Council's resolution to seek public comment on the introduction of deregulated trading hours within the City of Greater Geraldton.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

At the Ordinary Meeting of Council on 18 December 2012, Council resolved to seek public comment and survey the community on the matter of varying retail trading hours as follows:

1. *GIVE notice of its intent to seek Ministerial Consent to vary regulated trading hours within the District of Greater Geraldton such as to fully deregulate the hours of operation and trading for any business;*
2. *SEEK public comment for a period of no less than 90 days on the recommendations;*
3. *ADVERTISE no less than four consecutive weeks at the commencement of the public comment period;*
4. *CONDUCT a survey of all the membership of the Mid West Chamber of Commerce and Industry; and*
5. *REFER the matter back to Council for final consideration in April 2013.*

COUNCIL DECISION

That Council invite sporting groups and voluntary organisations to participate in the consultation process.

COUNCIL DECISION

That public advertising commence in January 2013 for the Trading Hours.

The Council resolution has been progressed as follows:

1. The City gave notice of its intent to seek Ministerial Consent via Public Notice.
2. The City advertised the above intention and sought public comment for 90 days ending 5 April 2013 and then a further extension to 3 May 2013.

3. The City has undertaken advertising in the following:
 - a. Notice in Midwest Times beginning 9 January, finishing 3 May 2013;
 - b. Notice in The Geraldton Guardian beginning 9 January, finishing 3 May; and
 - c. Copies of Public notices were displayed at the City Civic Centre, Geraldton Regional Library, QEII Community Centre and Mullewa Council library.
4. The City has undertaken a survey through Research Solutions on this issue.

In recognition of the importance of comprehensive community consultation on this matter, at the Ordinary Meeting on 18 March 2013, Council resolved to extend the timeframe for the matter to be brought back before Council for final consideration on 28 May 2013.

The City engaged Research Solutions to conduct a survey on this issue. This was done from 1 April 2013 until 8 May 2013.

The notice period for public submissions was closed on the 3 May 2013. The numbers of public submissions received by the City were as follows:

<u>In support</u> of the Deregulation of trading hours in Geraldton: <ul style="list-style-type: none"> • Individuals (10) • Retailers (2) 	12
<u>Against</u> the deregulation of trading hours in Geraldton: <ul style="list-style-type: none"> • Individuals (12) • Retailers (13) • Local Politicians (1) • Not For Profit Organisations (4) • Local Chamber of Commerce (1) • Sports Clubs (10) • Businesses and community from the surrounding regions (8) 	49
Submission Form on 'I Do Not Support Deregulation Of Trading Hours in Geraldton' - by the Geraldton Retailers Alliance	750
<u>Online Petition</u> to Oppose Deregulated Trading Hours in Geraldton	351
<u>Offline Petition</u> to Oppose Deregulated Trading Hours in Geraldton	1231

Other Comments	2
Total Submissions	2395

Petitions

Through this process, the City received two petitions.

1. The standard hard copy petition had 1231 signatures. It complied with the City's Meeting Procedure Local Law in relation to petitions.
2. The online petition had 351 signatures. It did not comply with the City's Meeting Procedure Local Law in that it did not contain the electronic signatures of the submitters.

Reasons for the deregulation of trading hours

From the public submissions received, the key reasons for supporting deregulated trading in Geraldton were that it gives more choices and provides greater shopping flexibility to consumers and it will attract tourists to Geraldton. There are also comments suggesting that businesses should be allowed to open when they want and there isn't enough time for people to shop outside of standard working hours. Also of key consideration was the notion that the introduction of deregulated trading hours would create jobs and the belief that it will support economic growth and revitalise the community.

Reasons against the deregulation of trading hours

From the public submissions received, the key reasons for opposing the deregulated trading were time for family and that the current Geraldton population is relatively small, hence no additional shopping time is needed. Another reason was that deregulated trading is uneconomic for small businesses and is generally bad for local retailers. Other reasons include religious issues, competition from big business and lifestyle as people need recreation time/down time and time for sports and community activities.

Residential and Business Survey

As part of the evidence required by the Department of Commerce, Research Solutions was engaged by the City to:

- Conduct an online survey of retail businesses from email addresses provided by the City;
- Conduct a telephone survey of 400 residents distributed by ward, gender and age according to the 2011 census;
- Extend the business survey to include tourism businesses;
- Make the business survey available in a self-completion format for any business manager/owner who wanted to participate in the survey, including members of the Mid West Chamber of Commerce who had not already completed the retail and tourism online surveys above;
- Provide a residents' survey in self completion format which could be completed either online or in paper format;

- Make the self-completion questionnaire available to sporting associations; and
- Make the self-completion questionnaire available to community groups.

The objective of the survey is to provide the City of Greater Geraldton with representative and rigorous results in relation to the views of residents and retailers and to provide other groups in the community with the opportunity to express their views on the deregulation of trading hours. Specifically, the information gathered in the survey included:

- The level of support or rejection for deregulated trading hours in the City of Greater Geraldton;
- A comparison of current trading hours and preferred trading hours;
- The use of extended trading hours in Geraldton over the past six months;
- The incidence of online shopping by the residents of Greater Geraldton;
- The potential change in shopping behaviour by residents if deregulation occurs;
- The impact which retail workers believe deregulated trading hours would have upon their lives; and
- Demographic and business profiling data used for cross analysis purposes.

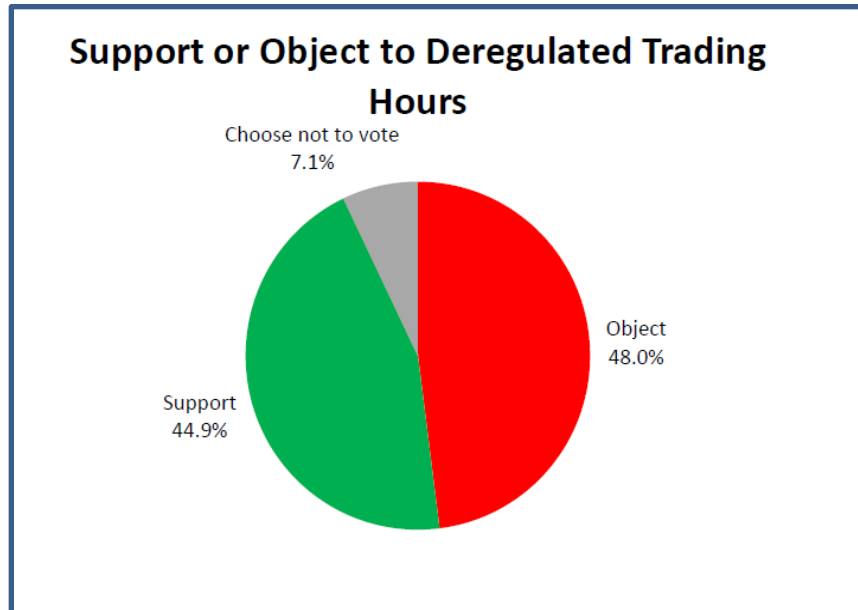
Residents:

A statistically representative stratified random telephone survey sample of 401 people living in the City of Greater Geraldton was conducted to obtain the views of residents. This provides a maximum sampling error of $\pm 5\%$ at the 95% level of accuracy.

Respondents were asked whether they supported or objected to deregulated trading hours in a referendum-style question. They could support deregulation, object to deregulation or choose not to vote.

In all, 92.9% of respondents chose to "vote". These 92.9% were statistically evenly split between the two outcomes:

- Objected to trading hours being deregulated – 48.0%.
- Supported deregulation – 44.9%.



Excluding those who did not vote the result is still statistically evenly split:

- Objected to deregulation – 51.7%
- Supported deregulation – 48.3%

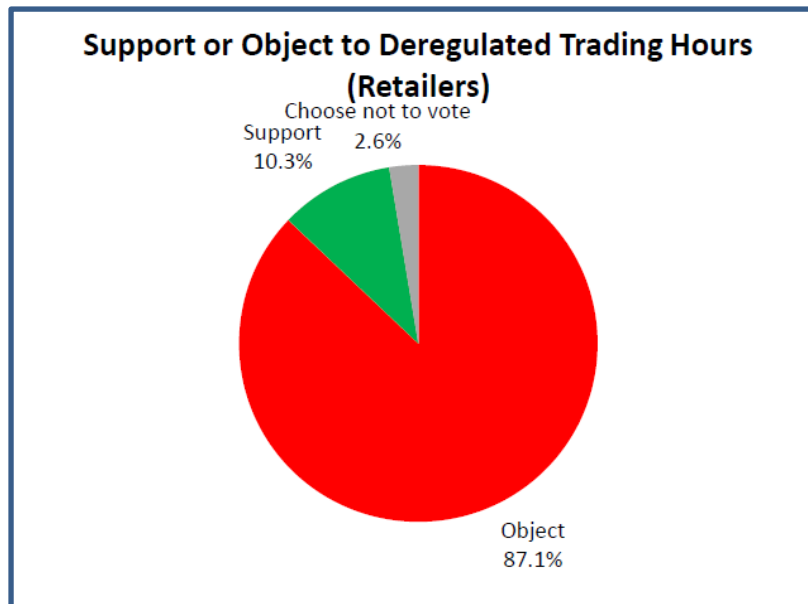
Businesses:

A sample of 78 retail businesses and 24 tourism businesses participated in the online survey, sourced from a list supplied by the City of Greater Geraldton and supplemented with businesses who participated via a link on the City's website.

The retailers surveyed were asked whether they supported or objected to deregulated trading hours in a referendum-style question. They could support deregulation, object to deregulation or choose not to vote.

Almost all retailers (97.4%) chose to "vote" on the question of deregulated trading hours and the result was:

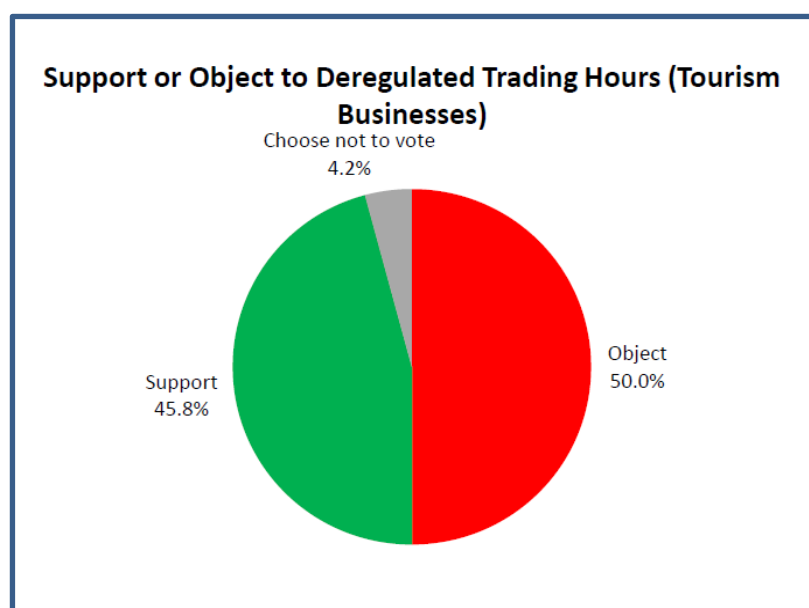
- 87.2% objected to trading hours being deregulated
- 10.3% supported deregulation



The tourism related businesses surveyed were also asked whether they supported or objected to deregulated trading hours in a referendum-style question. They could support deregulation, object to deregulation or choose not to vote.

Almost all (95.8%) tourism businesses surveyed chose to "vote" and these businesses were statistically evenly split on the issue of the deregulation of trading hours:

- 50.0% objected to trading hours being deregulated.
- 45.8% supported deregulation.



The Self Selecting Survey

In addition to the residents' telephone survey and the business survey, a self-selecting survey was also provided to those who wished to put forward their views in the survey. This survey was provided in a paper copy and also available online via a link on the City of Greater Geraldton website.

A sample of 701 respondents participated in the survey, 699 from the online survey and two from the paper survey. This included a sample of:

- 39 community groups
- 64 sporting clubs

81.1% of respondents from the Community groups and 76.7% of respondents from the Sporting groups had voted against the deregulation of trading hours in Geraldton.

Attached for Council's information is the City of Greater Geraldton Trading Hours Market Research Study' Report. The first part of this report outlines the methodology, sample profiling and detailed results of the residential and business surveys conducted and the second part of the report presents a compilation of all the public submissions received by the City.

COMMUNITY CONSULTATION:

Considerable effort has been made to ensure that the public has had an opportunity to provide its comments in relation to this issue and this is reflected in the number of responses the City has received. The total of 2,396 represents 5.95% of the community.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation on this matter.

STATUTORY IMPLICATIONS:

Section 12(E), Variation of Trading Hours of the Retail Trading Hours Act 1987 applies to this matter.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

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

Key Result Area: Opportunities for Prosperity.

Outcome 3.2: A destination diverse economic base.

Strategy 3.2.3: Supporting the role of the Geraldton City Centre as the primary governance business retail and commercial heart of the region.

Regional Outcomes:

The potential outcomes of deregulated trading hours to the region may include greater growth for the regional tourism industry, provide greater shopping opportunities and flexibility for the regional community and may assist in attracting investments and skilled workers to the Mid West region.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The business survey conducted and many of the public comments submitted by local retailers and not for profit (NFP) organisations outlined the key concerns and potential issues for Council's consideration.

In the Pracsys 2009 Report on 'Economic Impact of Deregulation of Retail Trading Hours', the potential impact of the deregulation of retail trading hours in the City of Greater Geraldton (then the City of Geraldton-Greenough) was investigated. The report suggested that the issue of deregulated retail trading hours should to be considered within the context of the City's medium term to long term positioning strategy as a leading regional city in Australia. It also pointed out that the issue of deregulation may warrant further consideration when Geraldton's population growth reaches 50,000 to 75,000 at some point in the future.

Please refer to the attached Pracsys 2009 Report on 'Economic Impact of Deregulation of Retail Trading Hours' for more details.

Social:

The local community who were surveyed and many of the public comments submitted by the local community outlined their key concerns and potential issues for Council's consideration.

Environmental:

There are no anticipated environmental and heritage issues arising from a change in retail trading hours.

Cultural & Heritage:

There are no direct cultural and heritage outcomes arising from a change in retail trading hours.

RELEVANT PRECEDENTS:

There are no relevant precedents on this matter.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

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

1. RECEIVE the two petitions on the deregulated trading hours; and
2. SUBMIT an application to the Minister for Commerce for the deregulation of trading hours in the City of Greater Geraldton area.
 - a. Makes the determination for the following reasons.

Option 2:

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

1. RECEIVE the two petitions on the deregulated trading hours; and
2. NOT SUBMIT an application to the Minister for Commerce for the deregulation of trading hours in the City of Greater Geraldton area;
 - a. Makes the determination for the following reasons:

Option 3:

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

1. RECEIVE the two petitions on the deregulated trading hours;
2. DEFER the submission of an application to the Minister for Commerce for the deregulation of trading hours in the City of Greater Geraldton area; and
 - a. Makes the determination for the following reasons:

CONCLUSION:

The Survey and Consultation report presented in the attachment provides Council with the Survey undertaken and all of the submissions received on this issue and as such the community's perspective on the deregulation of trading hours in the City of Greater Geraldton area.

EXECUTIVE RECOMMENDATION:

As this matter arose from a Notice of Motion by Councillor, there is no executive recommendation and as such, the matter is left for Council's consideration.

SC106 ADOPTION OF DRAFT PUBLIC OPEN SPACE STRATEGY	
AGENDA REFERENCE:	D-13-32903
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	10 May 2013
FILE REFERENCE:	LP/9/0062
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

Staff prepared (in conjunction with consultants Greg Rowe & Associates) a draft 'Public Open Strategy'.

This report recommends the adoption of the draft Strategy and that it be forwarded to the WA Planning Commission for consent to advertise.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

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

The Strategy classifies open spaces where community access is encouraged and explicitly managed. While it is acknowledged that substantial recreation activities occur in other areas of publicly accessible space, the Strategy is focused on urban areas where the mandatory minimum 10% public open space provisions apply. The Strategy is not intended to apply to areas where the primary purpose or function is identified as:

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

This Strategy aims to provide a clear direction on the level of open space provision currently experienced in the urban areas of the City and also to

provide minimum standards for the development of public open space. The Public Open Space Strategy focuses on the Geraldton urban area and towns.

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

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

A copy of the Public Open Space Strategy is included as Attachment No. SC106 and a copy of the Background Report is available to Council upon request.

COMMUNITY CONSULTATION:

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

In essence, the regulations require the WA Planning Commission's consent to advertise the draft Strategy and stipulates the minimum consultation requirements as follows:

1. Publish a notice once a week for 2 consecutive weeks in a newspaper;
2. Forward a copy to any other person or public authority the local government sees fit; and
3. Take other steps and carry out such other consultation as the local government considers appropriate.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

It is expected that WA Planning Commission will endorse the Strategy and for it will therefore have the same status as a local planning strategy. The Town Planning Regulations 1967, regulation 12A provides for the preparation of a Local Planning Strategy.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The Strategy sets minimum standards for new public open space which will then become the responsibility of the City to maintain. There are also a number of land parcels identified for disposal with the funds generated in the sale of the land being used to upgrade other open space areas.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 1:	Opportunities for Lifestyle.
Outcome 1.2:	A healthy community through sport, recreation and leisure opportunities.
Strategy 1.2.1:	Provide accessible active and passive recreational spaces.
Goal 3:	Opportunities for Creativity.
Outcome 3.1:	A community that embraces and celebrates diversity.
Strategy 3.1.1:	Create vibrant and diverse neighbourhoods that meet local and regional needs.

Regional Outcomes:

Geraldton Region Plan 1999:

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

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

The draft Strategy has been prepared to achieve the above objective.

Liveable Neighbourhoods:

Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans and subdivision for new urban areas. The Public Open Space Strategy is set within the context of the Western Australian Planning Commission's "Liveable Neighbourhoods" operational policy. The Strategy adopts a 5 tiered hierarchy system of open space and seeks a number of regional variations with regard to defining public open space, 'activated' regional open space, conservation areas, cash-in-lieu and maintenance periods.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

The value that public open space provides to the community is a combination of social, economic, cultural and environmental factors. A principal role of public open space is to support health, recreation and leisure functions including active pursuits, yet also encompassing passive uses. Environmental protection is also an essential role of public open space, through habitat and biodiversity conservation and air and water quality

management. It also provides a strong connection to nature for people living in highly urbanised environments. Public open space is also highly valued for its natural beauty, contribution to neighbourhood character and community identity, cultural heritage value, tourism potential and the emotional connection people may attach to it.

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to adopt the draft 'Public Open Space Strategy'; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER the adoption of the draft 'Public Open Space Strategy'; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

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

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

spaces, to identify key deficiencies, to improve the quality of existing spaces and identify areas of new provision.

Option 2 is not supported as the Public Open Space Strategy is a framework document to guide the provision and development of all public open space primarily within the Greater Geraldton urban area and towns. The Strategy will provide a basis for the improvement of the quality and diversity of parks and the delivery of improved recreation services to ensure more sustainable use of the City's resources.

Option 3 is not supported as it is considered that sufficient information has been provided in order to determine the matter.

EXECUTIVE RECOMMENDATION:

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

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

SC107	FINAL ADOPTION OF THE RESIDENTIAL DEVELOPMENT STRATEGY
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AGENDA REFERENCE:	D-13-32914
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	13 May 2013
FILE REFERENCE:	LP/9/0063
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

SUMMARY:

The advertising period has concluded for the 'Residential Development Strategy' (the Strategy).

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

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Currently the City and the Greater Mid-West Region are entering a period of high economic growth due to the regional increase in mining activity, the construction of the Oakajee Port just north of the City of Greater Geraldton and other major projects, including the Square Kilometre Array and installation of the National Broadband Network. As Geraldton is the regional centre for the Mid West it is expected much of the activity and population growth will occur in this area.

The City's vision is to have the capacity to sustain a population of up to 100,000 residents. Geraldton will be the focal point for an active and vibrant centre with significant district centres the north and south and linked to the small regional towns outside the urban areas.

The Residential Development Strategy is a response to the changing local and regional economic environment and the need to provide a logical, coherent, highly liveable and sustainable model for residential development in the City of Greater Geraldton to meet the needs of all residents and build strong communities.

The specific objectives of the strategy are to:

- Identify preferred areas for residential growth that are capable of being serviced;
- Investigate the potential for additional 'mixed use' housing in the Geraldton City Centre and make recommendations as to how to encourage this type of housing;

- Identify residential 'infill' sites within the Geraldton urban area, especially suitable crown land areas;
- Assess the future housing demands of an aging population having regard to preferred location and lot size;
- Assess the current and future housing demands for students, particular attention should be given to the preferred location of student housing;
- Recommend a regime to manage both the urban and rural interface; and
- Develop a mechanism/approach to manage medium and high density housing development so as to maximize the benefits and minimize the community concerns.

This Strategy should be read in conjunction with the City of Greater Geraldton Commercial Activity Centres Strategy and the associated Background Report. The Background Report contains the research and analysis used to formulate both Strategies.

A copy of the Residential Development Strategy is included as Attachment No. SC107A and a copy of the Background Report is available to Council upon request.

Council at its meeting held on 23 October 2012 resolved to:

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

The WA Planning Commission on resolved to certify for advertising the draft Strategy on 11 December 2012.

COMMUNITY CONSULTATION:

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

The advertising period was for 47 days (commencing on 25 March 2013 and concluding on 10 May 2013) and was undertaken concurrently with the 'Commercial Activity Centres Strategy'. It involved the following:

1. All major land developers, planning consultancies and activity centre owners were written to and provided a copy of the Strategy;
2. A notice appeared in the Mid-West Times on 27 March 2013;
3. A media release was undertaken on 27 March 2013;
4. The Strategy was available on the City's website;
5. The Strategy was publicly displayed at the Civic Centre; and
6. The Strategy was referred to the following:

- Department of Agriculture and Food;
- Department of Education;
- Department of Environment and Conservation;
- Department of Health;
- Department of Housing;
- Department of Water;
- Department of Fire & Emergency Services;
- Geraldton Port Authority;
- Heritage Council of WA;
- Landcorp;
- Main Roads WA;
- Mid West Aboriginal Organisation;
- Mid West Chamber of Commerce and Industry;
- Mid West Development Commission;
- NACC;
- NBN Co;
- Public Transport Authority;
- Shire of Chapman Valley;
- Telstra;
- All Progress Associations;
- Water Corporation; and
- Western Power.

Submissions:

As a result of the advertising, a total of 10 submissions were received. Listed below is a summation of the comments/concerns raised from the public comment period:

- Changes if required to existing the power system is the responsibility of the developer.
- Not clear what zoning is proposed for the site between Foreshore Drive, Marine Terrace, Forest and Durlacher Streets.
- Based upon the projected residential densities there are adequate education facilities built and proposed to cater for the anticipated student yield from future developments.
- Supports the planning and implementation of buffers zones and/or specific separation distances to minimise conflict between agricultural and incompatible land uses.
- Suggested changes to the Background Report in order to improve the clarity of the text.
- City to comply with all relevant sections of the Environmental Protection Act 1986, Contaminated Sites Act 2003 and the criteria set out in all relevant EPA guidance statements.
- Supports the Strategy objectives as they align with the key principles in the State Affordable Housing Strategy and supportive of the focus which the Strategy places on housing affordability, aged and student housing and the intensification of development around activity centres.

- The medium density designation should be extended to include the former Spalding primary school site and adjacent area of crown land in Mitchell Street.
- Aware of the importance of preserving and protecting native vegetation within road reserves which contributes to the landscape and the environment.
- Part 2.2.1 'State Statutory Planning' should also refer to State Planning Policy 3.5 Historic Heritage Conservation.
- General comments provided on water and wastewater services.
- The proposed draft Strategy provides the City the opportunity to minimise land use conflicts and incompatible activities which is the most common issue in land use and development.

A 'Schedule of Submissions' is included as Attachment No. SC107B and copies of the actual submissions are available to Council upon request.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 2:	Opportunities for Prosperity.
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.4:	Facilitate the Geraldton City Centre as the heart of the region.
Goal 4:	Opportunities for Sustainability.
Outcome 4.1:	Vibrant and sustainable urban and rural development.
Strategy 4.1.1:	Lead the development of innovative, strategic and sustainable urban, rural and regional planning.

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

Regional Outcomes:

State Planning Policy 3: Urban Growth and Settlement:

This policy sets out the principles and considerations which apply to planning for urban growth and settlements in Western Australia. The objectives of this policy are:

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

The draft Strategy has been prepared to achieve the above objectives.

Geraldton Region Plan 1999:

The Region Plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan contains objectives for residential areas. Those of most relevance are:

- To support development of a range of residential areas, coordinated with infrastructure and servicing.
- To support best practice urban design in the planning and development of new residential areas.
- To retain and enhance the existing historical character of established residential areas.
- To support consolidation and infill of residential areas.

The draft Strategy has been prepared to achieve the above objectives.

Greater Geraldton Structure Plan Update 2011:

The Greater Geraldton Structure Plan 2011 identified that the “Urban and Future Urban” areas could potentially accommodate a population of between 100,000 to 230,000 depending on the average density of development. Given

the City's vision to sustain a population of between 80,000 to 100,000 people there is no need to provide for additional urban land outside of that shown on the Strategy Map (for the Geraldton Urban Area) in the foreseeable future.

Geraldton is somewhat fortunate in that there are existing constraints to expansion of the urban area in all directions. To the north the Oakajee Industrial Estate buffer effectively limits residential expansion, to the east is the Moresby Ranges which provides a natural backdrop to the Geraldton urban area and to the south there are highly productive agricultural soils which need to be protected.

2029 and Beyond – Designing our City:

“Designing our City”, a deliberative planning process was held over 3 days in August 2011 to develop potential plans and design options for how the city will look in the future.

The draft Strategy reflects the “Preferred/Consolidated Scenario” for the future growth pattern of Greater Geraldton produced from the “Designing our City” enquiry-by-design.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Through the 2029 and Beyond process the residents of the City have identified a range of economic, social, environmental and cultural characteristics of the Greater Geraldton area which make it attractive. The draft Strategy has been prepared, cognisant of these.

Economic:

- The range and proximity of local and regional services.
- The working port as a component of the City's history, identity and economy.
- The diversity of the local community.
- Current housing purchase and rental levels below Perth and therefore relatively affordable.

Social:

- The family-orientated outdoor lifestyle and activities available (including organised sport and water based activities).
- The sense of community.
- The ease of living in a small-sized city.
- Good primary and secondary education and boarding facilities.
- Hospitals and health facilities of a good standard.

Environmental:

- Natural landscape – especially the coastline, river environments and Moresby Ranges.
- Linked walkways connecting the city with rural areas.
- Rehabilitation of natural areas along the coast.

Cultural & Heritage:

- Living amongst Aboriginal people.
- The heritage buildings such as the cathedral, railway station and the lighthouse.
- Promotion of Indigenous history and communities.

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to adopt for final approval the 'Residential Development Strategy'; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

Option 3:

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

1. DEFER the final approval the 'Residential Development Strategy'; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The Residential Development Strategy is a response to the changing local and regional economic environment and the need to provide a logical, coherent, highly liveable and sustainable model for residential development in the City of Greater Geraldton to meet the needs of all residents and build strong communities.

Option 2 is not supported as the Strategy reflects the "Preferred/Consolidated Scenario" for the future growth pattern of Greater Geraldton produced from the "Designing our City" enquiry-by-design.

Option 3 is not supported as it is considered that sufficient information has been provided in order to determine the matter.

EXECUTIVE RECOMMENDATION:

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

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

SC108	FINAL ADOPTION OF THE COMMERCIAL ACTIVITY CENTRES STRATEGY
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AGENDA REFERENCE:	D-13-32929
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	13 May 2013
FILE REFERENCE:	LP/9/0014
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

SUMMARY:

The advertising period has concluded for the 'Commercial Activity Centres Strategy' (the Strategy).

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

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton is planned to grow into a vibrant, resilient regional community of 100,000 residents. This will be driven by both the City and the Greater Mid West Region entering a period of high economic growth due to an increase in mining-related activities (both regionally and throughout the state), the construction of the Oakajee Port just north of the City of Greater Geraldton, and other major regional projects including the Square Kilometre Array and installation of the National Broadband Network. As Geraldton is the primary regional centre for the Mid West it is expected much of the primary and secondary flow-on activity and population growth resulting from these drivers will occur within the City's urban area.

Achievement of the target of 100,000 residents will present a range of opportunities and challenges for decision-makers and the community at large, one of which is the continued development of a strong, resilient network of activity centres that:

- Supports the main strategic drivers for envisaged growth;
- Has the capacity to meet the needs of existing and future residents, workers, visitors and firms; and
- Continues to provide the lifestyle and amenity that Geraldton is renowned for.

The ultimate scale and type of commercial activity developed will be dependent upon the ability of the City's activity centres to meet the needs of residents, workers, visitors and firms. The City of Greater Geraldton Commercial Activity Centres Strategy ('the Strategy') provides a strategic

framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres based on eight guiding principles. These are:

1. Efficient, intense and compact centres;
2. Optimise the frequency and quality of transactions within the City;
3. Support the maturation of Geraldton CBD into a diverse, intense and highly connected activity centre;
4. Optimise access to and within centres for residents, workers and visitors;
5. Place identity, amenity and integrity;
6. Place equity;
7. Meet the needs of future as well as current users; and
8. Appropriate configuration of land inside and outside of activity centres.

By linking these principles to the performance expectations of existing and planned commercial activity centres, the City is seeking to provide a Strategy that:

- Guides future activity centre performance for the betterment of the Geraldton community;
- Provides clear expectations for proponents seeking to expand existing activity centres, or develop new centres;
- Supports City officers and elected officials in making timely and correct decisions based upon a strong evidence base; and
- Remains relevant as Geraldton grows and develops.

This Strategy should be read in conjunction with the City of Greater Geraldton Residential Development Strategy and the associated Background Report. The Background Report contains the research and analysis used to formulate both Strategies.

A copy of the Commercial Activity Centres Strategy is included as Attachment No. SC108A and a copy of the Background Report is available to Council upon request.

Council at its meeting held on 23 October 2012 resolved to:

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

The WA Planning Commission on resolved to certify for advertising the draft Strategy on 13 March 2013.

COMMUNITY CONSULTATION:

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

The advertising period was for 47 days (commencing on 25 March 2013 and concluding on 10 May 2013) and was undertaken concurrently with the 'Residential Development Strategy'. It involved the following:

1. All major land developers, planning consultancies and activity centre owners were written to and provided a copy of the Strategy;
2. A notice appeared in the Mid West Times on 27 March 2013;
3. A media release was undertaken on 27 March 2013;
4. The Strategy was available on the City's website;
5. The Strategy was publicly displayed at the Civic Centre; and
6. The Strategy was referred to the following:
 - Department of Agriculture and Food;
 - Department of Education;
 - Department of Environment and Conservation;
 - Department of Health;
 - Department of Housing;
 - Department of Water;
 - Department of Fire & Emergency Services;
 - Geraldton Port Authority;
 - Heritage Council of WA;
 - Landcorp;
 - Main Roads WA;
 - Mid West Aboriginal Organisation;
 - Mid West Chamber of Commerce and Industry;
 - Mid West Development Commission;
 - NACC;
 - NBN Co;
 - Public Transport Authority;
 - Shire of Chapman Valley;
 - Telstra;
 - All Progress Associations;
 - Water Corporation; and
 - Western Power.

Submissions:

As a result of the advertising, a total of 8 submissions were received. Listed below is a summation of the comments/concerns raised from the public comment period:

- Changes if required to existing the power system is the responsibility of the developer.

- The health of the CBD depends on a sufficient supply of parking, otherwise it will continue in its downward trend. Also this parking should be free.
- Trading hours should be governed by the wishes of the people, and the lifestyle that they desire.
- The timing of the two large district centres planned for the south and north of the City should only be allowed when the City is a certain size.
- Supports the planning and implementation of buffers zones and/or specific separation distances to minimise conflict between agricultural and incompatible land uses.
- Suggested changes to the Background Report in order to improve the clarity of the text.
- City to comply with all relevant sections of the Environmental Protection Act 1986, Contaminated Sites Act 2003 and the criteria set out in all relevant EPA guidance statements.
- Further clarification should be provided on major and minor applications.
- Further clarification on what 'performance based decision making' is.
- Public transport should be included in objectives and principles.
- Not clear who is responsible for providing roads and access infrastructure.
- Part 2.2.1 'State Statutory Planning' should also refer to State Planning Policy 3.5 Historic Heritage Conservation.
- Strategy should make reference to the economic value of heritage to tourism.
- A principle should be strengthened to include the contribution heritage places makes to a positive sense of identity.
- General comments provided on water and wastewater services.
- Include waste water treatment plant buffers on Strategy Map.
- The proposed draft Strategy provides the City the opportunity to minimise land use conflicts and incompatible activities which is the most common issue in land use and development.

A 'Schedule of Submissions' is included as Attachment No. SC108B and copies of the actual submissions are available to Council upon request.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

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

Goal 2:	Opportunities for Prosperity.
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.4:	Facilitate the Geraldton City Centre as the heart of the region.
Goal 4:	Opportunities for Sustainability.
Outcome 4.1:	Vibrant and sustainable urban and rural development.
Strategy 4.1.1:	Lead the development of innovative, strategic and sustainable urban, rural and regional planning.
Strategy 4.1.4:	Develop, apply and regulate effective planning schemes, building regulations and policies

Regional Outcomes:**Geraldton Region Plan 1999:**

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area and contains objectives for commercial areas. Those of relevance are:

- To recognise and promote the Geraldton city centre as the focus for retail, administrative, cultural, community entertainment, educational. Religious and recreational activity in the Geraldton Region.
- To recognise and promote the Geraldton city centre as the focus for public transport and pedestrian and cycleway systems.
- To expand retail development, to include a district centre, as population increases.
- To ensure the location of neighbourhood centres are related to the district and local distributor road system.
- To locate the future district centre in an area which can efficiently service future residential areas and complement the city centre.

The draft Strategy has been prepared to achieve the above objectives.

There are a number of economic and social 'value statements' that underpin the principles of the Strategy as follows:

Economic:

- The City recognises the need to maximise the return of scarce resources to develop centres for the benefit of users.
- The City also wants centres to be effective in performing their purpose. To do so, they should pursue opportunities to maximise the frequency of high quality transactions that occur within activity centres.
- The City recognises the primacy of the Geraldton CBD in the network of activity centres.
- The City values the maturation of the Geraldton CBD into a diverse, intense and highly accessible centre however this should not come at the expense of other centres achieving their defined purpose.
- The City recognises its role in balancing the impact of short-term market drivers with the long term strategic vision for activity centres.
- The City recognises the need to protect the area outside of activity centres from land uses more appropriate to within activity centres, and vice versa.

Social:

- The City values activity centres that have a self-perpetuating 'energy' and a diversity of activity appropriate to the purpose of the centre.
- The City recognises that this relies on functional efficiencies, enhanced by contiguous configurations of related activities and compact urban form.
- The City values activity centres that are highly accessible to all users.
- The City recognises that centre accessibility must be considered in terms of access to and from the centre and access within centres.
- The City understands the need to balance accessibility with the need to safeguard the overall efficiency and integrity of the broader movement network.
- In order to protect the efficiency and integrity of the City's movement network, accessibility needs to be considered at a regional, district and local level.
- Protection of the efficiency and integrity of the movement network also requires aligning activity with appropriate location in terms of the accessibility needs of the activity and its users.
- The City values places that have a clear and positive sense of identity, that users care about, and in which they can invest. The public realm is an important arena for creation of a sense of identity as it is the communal space in which users can share experiences and build connections.
- The City's role is to provide and facilitate investment that generates utility for users of all activity centres. The City will strive to provide the appropriate type and level of amenity to meet the needs of users.
- The City recognises its role in balancing the economic pursuits of activity centres against the broader needs and aspirations of the community.

- The City understands that transactions within an activity centre are not just economic, but also social and cultural. Planning will aim to support all needs in an equal way.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no environmental issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 22 February 2011 adopted the 'Interim Commercial Activity Centres Strategy' and the WA Planning Commission endorsed the Interim Strategy on 25 May 2011.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to adopt for final approval the 'Commercial Activity Centres Strategy'; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

Option 3:

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

1. DEFER the final approval the 'Commercial Activity Centres Strategy'; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The Strategy is a response to the changing local and regional economic environment and the requirement to provide for the needs of current and future residents, firms, workers and visitors. The primary objectives of this project are to:

1. Identify the amount of additional shopping floor space required to service anticipated population growth (inclusive of the wider Mid-West catchment) and indicate where this expansion will be most beneficial to the community;
2. Establish a clear hierarchical structure to guide sizing and location of major commercial activity centres, identify requisites for growth of major activity centres to cater for existing populations and future population growth;
3. Identify and promote development of centres and nodes that provide a wide mix of activities, services and other uses that are complimentary to their retail function and that promote use of the centres by local communities and consolidate complementary activities within centres;
4. Identify strategies to ensure activity centres develop in an integrated fashion;
5. Identify infrastructure requirements associated with future commercial activity;
6. Identify drivers of change in retailing;
7. Examine potential impacts of retailing trends, including deregulation of shopping hours, out of centre retailing, increased diversification, convenience shopping and electronic shopping; and
8. Ensure that retail activities that occur away from the town centre involve an aggregation of uses at appropriate locations, and that such development contributes to the net community benefit and does not undermine commercial activity in the central area.

Option 2 is not supported as the City of Greater Geraldton Commercial Activity Centres Strategy provides a strategic framework for managing future growth in commercial activity by providing performance-based criteria for commercial centres.

Option 3 is not supported as it is considered that sufficient information has been provided in order to determine the matter.

EXECUTIVE RECOMMENDATION:

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

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

12 AUDIT AND RISK MANAGEMENT
Nil.

13 STRATEGIC & POLICY MATTERS

OP0043 GERALDTON CITY CENTRE VIBRANCY POLICY & STRATEGY

AGENDA REFERENCE:	D-13-33247
AUTHOR:	R Smallwood, Manager Economy, Innovation and Technology
EXECUTIVE:	C Wood, Director Organisational Performance
DATE OF REPORT:	8 May 2013
FILE REFERENCE:	ED/5/0008
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x4)

SUMMARY:

The purpose of this report is to seek the adoption of the 'Geraldton City Centre Vibrancy Strategy' and the 'CP055 Geraldton City Centre Vibrancy Policy'.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

At the Ordinary Meeting of Council on 29 January 2013, Council resolved the following:

1. *ADOPT the 'Geraldton City Centre Vibrancy Strategy' and CP055 'Geraldton City Centre Vibrancy Policy' as a draft, with the intent to seek community and business feedback through advertising it for a period of 42 days and inviting submissions within this period;*
2. *ADOPT for final approval the Policy and Strategy should no objections be received during the advertising period; and*
3. *REQUIRE a further report to be presented to Council should there be any objections received during the advertising period.*

In line with this Council resolution, the City has advertised notices inviting public submissions for a minimum of 42 days, beginning on 4 February 2013 and ending on 5 April 2013. Although there were no objections to the Policy and Strategy during the advertising period, it was felt that it would be prudent to seek Council's approval on both of these documents.

Three complimentary responses were received during the advertising period. These responses are summarised below.

Pollinators:

Pollinators generally support the recommendations made in the Geraldton City Centre Vibrancy Strategy and Policy and have offered several specific recommendations:

- Not-for-profit organisations actively contributing to Vibrancy strategy implementation, such as Pollinators' CityHive in Swansea House,

ACDC, and/or their landlords should be prioritised for receiving the 3-year rate holiday starting in the 2013/14 financial year;

- Include additional actions in “Quick Wins” e.g. “Harness the city’s creative capital by promoting and supporting grass roots vibrancy initiatives”; and
- There should be reference to diversity and social and economic justice in the implementation of the strategy. There is a risk that the city centre could become exclusive and gentrified if a diversity of non-commercial needs and user groups are not accommodated.

The submission from “Pollinators” is attached for Councillors’ information.

The comments from Pollinators will be taken into account when implementing the strategy, however a rate holiday for not for profit organisations is not allowed for under the Policy.

Bennetts:

Bennetts generally supports the desired outcomes of Greater Geraldton City Centre Vibrancy Policy & Strategy, however offers the following comments:

In essence the amount of car parking is the same as it was before the Foreshore development, however with the opening of the Dome Café and the Beach front amenities the pressure on the existing available car parking space impede both consumer and beach front traffic.

If we want to encourage a Vibrant City Centre the car parking availability needs to be addressed ASAP.

The submission from Bennetts is attached for Councillors’ information.

The City is addressing the availability of car parking through the City of Greater Geraldton Commercial Activity Centres Strategy and the City Centre Car Parking Management Plan.

MWCCI (MidWest Chamber of Commerce and Industry)

The MWCCI appear to generally support Geraldton City Centre Vibrancy Strategy and Policy with several caveats. Excerpts from MWCCI’s submission are as follows:

In the report much is made of public realm and the MWCCI believes that each street requires six (6) key infrastructure elements to create vibrancy. These elements include:

- *A critical mass of people;*
- *Secure and pleasant environment;*
- *Shade Structures;*
- *Venues which supply food and drink;*
- *Parking and traffic flow;*
- *General and alfresco seating; and*
- *Attractive and well maintained buildings.*

Traders would prefer to see tangible outcomes such as shade structures, improved security, traffic management, seating and planning and effective land-use tackled.

The submission from MWCCI is attached for Councillors' information.

The comments from the MWCCI will be taken into account when implementing the strategy.

COMMUNITY CONSULTATION:

Subsequent to the Ordinary Meeting of Council in 29 January 2013, notices for public submissions and comments on Geraldton City Centre Vibrancy Strategy and CP055 Geraldton City Centre Vibrancy Policy were advertised by the City in the Midwest Times and the Geraldton Guardian newspapers beginning on the 4 February 2013. Notices were also posted at the City of Greater Geraldton Civic Centre, Mullewa District Office, Geraldton Library, the Queen Elizabeth II (QEII) Community Centre, as well as on the City's website (<http://cgg.wa.gov.au/your-council/consultations>). The public submission period was closed on 5 April 2013.

COUNCILLOR CONSULTATION:

The Councillors were invited to attend an initial stakeholder engagement workshop in January 2012. Councillors were also invited to a subsequent Stakeholder Engagement Workshop held on Friday, 27 April 2012 when the overall Vibrancy Strategy was presented. Previous copies of the Strategy have been provided to Councillors. An additional information workshop was held on 22 January 2013.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

The Strategy has a number of linkages with town planning in areas of land use, layout and planning and contains strategies such as:

- Focus planning and development efforts around key destinations, focal points and attractions;
- Tailor uses and activities to key target audiences within the CBD;
- Optimise strategic sites;
- Leverage the planning framework; and
- Establish movement corridors.

FINANCIAL AND BUDGET IMPLICATIONS:

To support the Policy/Strategy outcomes, the City proposes an equivalent of up to 1% of rate revenue towards funding and implementing the recommendations and outcomes of the Strategy. This will be subject to annual budget consideration by Council and availability of funds in compliance with Council's Financial Sustainability Policy.

It is also proposed that an economic 'Incentives' Policy be developed. This policy will look at options such as 'rates holidays', lease discounts, subsidies or other measures which can be used by Council to encourage new developments on economic development (job creation) projects.

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

Goal 2:	Opportunities for Prosperity.
Outcome 2.2:	Greater Geraldton as a leading regional and rural destination.
Strategy 2.2.4:	Facilitate the Geraldton City Centre as the heart of the region.

Regional Outcomes:

This strategy sets out a roadmap for the City to become a thriving Regional City for the community to live and work as well as to attract more tourist arrivals by providing great variety of shopping, dining and entertainment experiences.

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

There are positive economic outcomes to be derived with the implementation of the City Vibrancy Strategy. These outcomes include:

- Geraldton's strategic position in the mid-west is leveraged for businesses and as a destination of choice for investment in Western Australia;
- A strategic and consistent image of the city centre is promoted across all communications platforms locally, regionally and internationally; and
- The city centre becomes the 'heart' of Geraldton through a series of interconnected destinations and attractions that respond to end user needs thereby encouraging people and visitors to visit more often and tourist to stay longer.

Social:

There is a possibility of significant social outcomes with the implementation of the City Vibrancy Strategy. These outcomes include:

- The city centre is to be a comfortable, safe, welcoming and accessible space for residents, workers and visitors;
- Improved activation, safety and community ownership of the city centre through passive surveillance; and
- People will enjoy a fun, fresh and interesting space enhanced through a variety of activities and events.

Environmental:

The City Vibrancy Strategy focused strongly on improving overall amenity i.e. in creating pedestrian friendly, attractive and comfortable environments that people will be drawn to, as well as directing pedestrians via desired movement corridors and between key attractions.

Cultural & Heritage:

As per the City of Greater Geraldton Culture, Arts and Heritage Business Plan, the City Vibrancy Strategy continues to encourage cultural activities in the public realm and make it easy and convenient for community groups and corporate organisations to manage events in the city centre.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. NOT ADOPT the Geraldton City Centre Vibrancy Strategy and CP 055 Geraldton City Centre Vibrancy Policy and
2. MAKES the determination on the following grounds:
 - a. To be determined by Councillors.

Option 3:

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

1. DEFER the adoption of the Geraldton City Centre Vibrancy Strategy and CP 055 Geraldton City Centre Vibrancy Policy; and
2. MAKES the determination on the following grounds:
 - a. To be determined by Councillors.

CONCLUSION:

The City Vibrancy Policy and Strategy provides a framework for the City to raise the City Centre vibrancy level.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT for final approval the Geraldton City Centre Vibrancy Strategy and CP055 Geraldton City Centre Vibrancy Policy.

TF061	DISPOSAL OF FREEHOLD LAND - LOT 3062 – (53) CATHEDRAL AVENUE (SGIO CAR PARK)
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AGENDA REFERENCE:	D-13-33252
AUTHOR:	B Robartson, Manager Land & Property Services
EXECUTIVE:	B Davis, Director of Treasury and Finance
DATE OF REPORT:	7 May 2013
FILE REFERENCE:	A18220
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

This report seeks Council approval to dispose of freehold land owned by the City of Greater Geraldton and to authorise to the Chief Executive Officer to set the reserve price.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Lot 3062 (53) Cathedral Avenue, Geraldton has a total land area of 3675m² and is zoned City Centre R50 under the City of Greater Geraldton Town Planning Scheme No. 3.

The large undeveloped parcel of land within the Central Business District has long been used as a car park to the adjoining SGIO building. The zoning of the allotment and location provides for a prime parcel for redevelopment or alternatively a continuing use as a paid parking area.

There are currently 99 bays of which 19 parking bays have a licence arrangement with the City and tenant of the SGIO building that expires on the 31 October 2016 at a cost of \$63.40 per calendar month per bay plus GST which equates to an annual income of \$14,455.

Since the 1 July 2012 this parking station has collected \$21,927.60 in ticket machine usage, thus on average about \$2,200 per month across the 10 months.

At that rate of revenue, annual revenue would be about \$26,400 per year. Assuming 20 working days per month, revenue currently averages about \$110 per day. For the 80 bays available for public use (99 less the 19 leased bays) a 100% utilisation rate at maximum \$7 per day would suggest a potential revenue per day of \$560. For 220 working days average per year, a potential aggregate income from 80 bays would be \$123,200/year. This suggests a current utilisation rate of about 21% (that is \$26,400/\$123,200) for the 80 available public bays.

As is the case with other paid parking areas, the car park is subject to regular patrols by City Rangers, with infringement tickets issued for non-payment. For the sake of illustration, suppose more frequent patrols for parking

enforcement had potential to increase revenue by, say, 10%. More than that would be unrealistic. That might increase revenues from \$26,400 per year to \$29,040, implying a paid utilisation rate of the 80 available public pay parking bays about 24%. While anecdotal information from some quarters may suggest that the SGIO car park is 'heavily utilised', the data suggests that for most of the time it is significantly under-utilised.

While not expected, in the event that the SGIO car park were to become a high-demand car park, the maximum possible revenue potential from the non-dedicated bays at current parking fee levels would see (80x\$7) or \$560 per day which, for 220 working days would deliver about \$123,000 parking revenue per year.

For the purposes of appraising the options, with continuation of debt servicing for retention options, and retirement of debt and rates revenue generation with the sale options, assessments of net present value to the City were prepared on a 10 year timeframe. The calculations assume a \$1.0M sale price. Of three independent valuations from late 2012, one suggests potential for a significantly higher sale price, so this may be a conservative view. GRV assumptions of \$50,000 and \$100,000 apply to the site respectively as-is, and commercially developed, with rates escalation consistent with current Council policy.

	OPTION	Net Present Value
(a)	Retain the car park, service the loan, with fee revenues at 24% utilisation level of public bays plus income from leased bays	+\$325,325
(b)	Retain the car park, service the loan, with fee revenues at 100% potential utilisation level	+\$1,114,461
(c)	Sell the car park, retire debt, and generate Rate revenues from it with no development on the site by the buyer (considered unlikely)	+\$753,312
(d)	Sell the car park, retire debt, and generate Rate revenues from it, with commercial development on the site	+\$1,831,404

In relation to government employees working in the SGIO building, for whom their employer agencies do not lease dedicated bays, their agencies acquire permits for employees that enable them to utilise any City car park, as distinct from permits confined to the SGIO car park.

The present car parking arrangement under-utilises the site in respect to potential income, providing a low holding income until such time as redevelopment occurs and increased revenue (via Rates) is achieved from the site. Loss of the pay parking bays at this site will be offset by parking developments on the ex-Beaurepaires site.

Consideration of the parking potential of the Beaurepaires site requires a strategic perspective, rather than a short-term view. Councillors of the time

may recall that, at the time of acquisition of the new library site, and the decision to acquire the Beaurepaires site adjacent to the library site car park, Councillor/staff discussions envisaged the potential for future development of deck parking on the combined area of the library car park and the Beaurepaires site. Discussions included potential for development of deck parking (which could be undertaken by the private sector) above ground level retail development, and potential for townhouse development above the deck parking – with the successful example of this model facilitated by Cairns City Council as a reference. Viability of that future development model derives from the ground floor retail development, and provision of inner city townhouses, with viability of the integrated multi-level deck parking a function of parking demand related to the development itself, and the surrounding retail precinct.

Ultimately, viability of any deck parking facility relies on sustained demand, and willingness of customers to pay. Sustained demand for pay parking is the driver, for commercial viability, regardless of whether the deck parking is provided by the City or the Private Sector – and if the Private Sector sees viable opportunity, then the City would not undertake the development. The Parking Strategy reports indicate clearly that the City has provided more than adequate off-street car parking capacity in the CBD for current and immediate term demand levels. The problem is not in off-street car park capacity. People just will not walk, prefer ‘free’ on-street parking, and will not use the available off-street pay parking spaces already available. With over-capacity already provided by the City, the City would not consider undertaking a deck parking project in the foreseeable term. The Beaurepaires site, utilised in the interim as a ground level car park, provides for future development of CBD pay parking capacity, in combination with the library car park, should City population growth and CBD business and retail activity levels grow sufficiently to make deck parking development commercially viable.

The City has received steady enquiries from private developers as to potential to acquire this land for multi-storey commercial development fronting Cathedral Avenue. Prospects of successful sale by auction are considered strong.

Council at its meeting on the 26 February 2013 adopted the City Centre Car Parking Management Plan. This plan notes that the location of the SGIO Car Park is not appropriate for a deck car park. Note that the City has already acquired the Beaurepaires site for future parking development for the CBD. Council has the option of reserving the net proceeds of sale of this site (after retirement of related loans taken out to acquire the site) for the purposes of CBD car parking development, should such development be seen by Council as having priority over other capital projects of Council.

The parking strategy report remains silent on the effectiveness of the car park for CBD parking purposes, and does not provide any strategies for enhancing effectiveness of the site for car parking. *Other* sites were identified in the parking strategy report as being suitable for future car parking development, but the SGIO site is *not* included amongst the sites as identified in the report

as being optimum to meet existing and anticipated parking patterns for the city centre. The report also emphasises that there is no shortage of off-street parking capacity in the city centre. On the basis of the car park strategy report, loss of 80 bays at the SGIO location will not have significant adverse impact on available off-street car parking capacity in the city centre.

The City notes that the unsealed free parking area immediately adjacent to the Stirling Centre, with access off Marine Terrace, has been included in the development application for refurbishment of that end of the centre, and is to be sealed and marked properly as a car park by the centre owner. This will provide some 155 marked bays, effectively increasing the parking capacity adjacent to the Stirling Centre.

The City notes that the owners of the residual land holdings between the Stirling Centre, and the SGIO car park, and immediately adjacent to new bank building developments (the same owners that developed the new bank buildings), are aware that for any commercial development on those lots, they will have to provide onsite parking capacity consistent with the uses intended on those lots. Those owners have been aware, since initial deliberations at draft agenda stage last year, of consideration by the City of potential disposal of the SGIO car park.

The City notes that the existing developed properties between those undeveloped lots and the service station, are required to provide onsite parking consistent with the uses of those buildings and are not dependent (or not entitled to be dependent) on capacity currently provided by the SGIO car park.

COMMUNITY CONSULTATION:

There has been no community consultation. As noted under Statutory Implications, intent to dispose must be advertised, inviting public submissions.

COUNCILLOR CONSULTATION:

This item was listed as an item at the Agenda Forum in November 2012 and withdrawn from the agenda pending the outcomes from the City Centre Car Parking Management Plan. This Plan was adopted by Council at its meeting on the 26 February 2013.

STATUTORY IMPLICATIONS:

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

Section 3.58:

- (1) *In this section –*
 - “dispose”** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - “property”** includes the whole or any part of the interest of a local government in property, but does not include money
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*

- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

As per the budget adopted for 2012-13 the profit from the disposal of this land less the amount to payout the associated debt is to be transferred to the Asset Development Reserve. The current principal outstanding on the original loan taken out to acquire the land in 2007 is \$324,780.

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

- | | |
|-----------------|--|
| Goal 1: | Opportunities for Lifestyle |
| Outcome 1.2: | Infrastructure which provides a foundation for the community's needs. |
| Strategy 1.2.4: | Provide accessible active and passive recreational spaces. |
| Goal 4: | Opportunities for Sustainability |
| Outcome 4.1: | Vibrant and sustainable urban and rural development. |
| Strategy 4.1.3: | Lead and facilitate innovative urban design that provides for diverse built form that meet the needs of our existing and future communities. |

Regional Outcomes:

There are no regional outcomes.

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

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no known environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

The City has current precedents regarding the disposal of surplus freehold land by auction.

DELEGATED AUTHORITY:

There is no delegated authority existing related to this land sale proposal.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REJECT the recommendation to dispose of Lot 3062 (53) Cathedral Avenue, Geraldton by public auction.
2. MAKES the determination on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER the recommendation to dispose of Lot 3062 (53) Cathedral Avenue, Geraldton by public auction;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Council approval of the Executive Recommendation will allow realisation of funding from auction of underutilised property, not required by the City, and help fund proposed capital project activities.

The sale of this land and its subsequent private development will further activate the CBD, and produce future Rates revenue for the City.

Setting reserve price for sale by auction will, in accordance with past sale practice, be informed by valuations undertaken by two or more independent licensed valuers.

EXECUTIVE RECOMMENDATION:

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

1. DISPOSE of Lot 3062 (53) Cathedral Avenue, Geraldton by public auction; and
2. AUTHORISE the Chief Executive Officer to set the reserve price.

TF059	BUNDYBUNNA ABORIGINAL CORPORATION – REQUEST FOR RATES EXEMPTION
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AGENDA REFERENCE:	D-13-31140
AUTHOR:	K Chua, Manager Financial Services
EXECUTIVE:	B Davis, Director of Treasury & Finance
DATE OF REPORT:	5 May 2013
FILE REFERENCE:	RV/4/0010
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (Confidential)

SUMMARY:

The Bundybunna Aboriginal Corporation in Mullewa, through its solicitors Corser & Corser, made a request to Council on 17 September 2012 for its farm property at 905 Wongdoondy, Tardun Road, Tardun to be deemed as 'non-rateable' land by reason of section 6.26(2)(g) of the *Local Government Act 1995* ("LGA") (being land used exclusively for charitable purposes) and therefore exempt from paying rates.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The property is approximately 28,000 acres in size and 7.15% or 2,000 acres are leased out to a neighbouring farm for \$40,000 per annum. Apart from three rows of watermelon plants of 100 meters in length, much of the property has not been utilised due to lack of working capital. There are four houses on the property but only two are liveable and Mr Malcolm Papertalk (the brother of Mr Leedham Papertalk who instructs Corser & Corser on behalf of Bundybunna) occupies one of them. The other three bedroom house is occupied by 3 or 4 volunteer workers who are participating in a work for the dole scheme to erect fences around the property which were provided by Farmcare.

There are no other grain crops, cattle or sheep on the property.

Bundybunna is facing financial difficulties and the last substantial rate payment of \$20,000 was made on 2 February 2012 (there is a total debt in excess of \$44,000). Following the receipt of the Bundybunna's request for an exemption under section 6.26(2)(g) of the LGA, the City has engaged Civic Legal to advise on this matter as it is a complex area, stemming from the fact that the LGA does not define the words "exclusively" or "charitable". Civic Legal have provided the City with two detailed letters of advice. Firstly in response to Corser & Corser's initial letter dated 17 September 2012 and subsequently in respect of the further submissions made by letter dated 1 February 2013.

Civic Legal have advised Corser & Corser that the Council will make a decision at the Council's meeting in May (this meeting), following which formal notice of the decision (drafted by Civic Legal) will be given to Bundybunna in accordance with the LGA and Civic Legal will also provide a substantive

response to the particular points raised by Corser & Corser in its letter dated 1 February 2013.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no specific Councillor consultation.

STATUTORY IMPLICATIONS:

Section 6.26 of the Local Government Act 1995 outlines what is not rateable land. Section 6.47 details concessions, Section 6.60 allows the Local Government to require lessee to pay rent. Section 6.77 deals with Review of decision of local government on objection:

- 6.26 Rateable land
- (1) *Except as provided in this section all land within a district is rateable land.*
 - (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children;*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
 - (g) *land used exclusively for charitable purposes;*
 - (h) *land vested in trustees for agricultural or horticultural show purposes;*

- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;*
 - (j) *land which is exempt from rates under any other written law; and*
 - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

6.60. Local government may require lessee to pay rent

- (1) *In this section —*

lease *includes an agreement whether made orally or in writing for the leasing or subleasing of land and includes a licence or arrangement for the use of land;*

lessor *and lessee mean the parties to a lease and their respective successors in title.*

- (2) *If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.*
- (3) *The local government is to give to the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.*
- (4) *The local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.*
- (5) *Where an amount is paid under this section to the local government —*
- (a) *the payment discharges the payer from any liability to any person to pay that amount as rent; and*
 - (b) *whereas between a lessor and lessee the lessor is liable to pay the rate or service charge, the amount paid may be set off by the lessee against the rent payable to the lessor; and*
 - (c) *if the amount exceeds the rent due, or if there is no rent due, the amount may be set off by the lessee against accruing*

rent, or the balance recovered from the lessor in a court of competent jurisdiction.

- (6) *To the extent that an agreement purports to preclude a lessee from setting off or recovering payments made to a local government under this section, the agreement is of no effect.*

6.77 Review of decision of local government on objection
Any person who is dissatisfied with the decision of a local government on an objection by that person under section 6.76 may, within 42 days (or such further period as the State Administrative Tribunal, for reasonable cause shown by the person, allows) after service of notice of the decision, apply to the State Administrative Tribunal for a review of the decision.

[Section 6.77 amended by No. 55 of 2004 s. 694.]

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Rate revenue has been budgeted in the 2012/13 Budget and the approval of this request will cost the City currently in excess of \$35,121.36 of which \$25,575.10 relates to UV Agriculture rates and the balance of \$9,546.26 relates mainly to interest charges, including about \$220 of ESL Levy and interest. The rate assessed on the property for the 2012/13 financial year is \$7,861.22 (being \$876,000 UV, multiply by RID of 0.8974). The future loss of revenue per annum would be in excess of \$8,000.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

- Goal 1: Opportunities for Lifestyle
- Outcome 2: A safe, secure and supportive community.
- Strategy 3.1.4: Preserve and activate the heritage of our community.

Regional Outcomes:

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts associated with this matter.

Social:

There are no social impacts associated with this matter.

Environmental:

There are no environmental impacts associated with this matter.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

There are cases which have accepted that the “advancement of Aboriginal people generally is a charitable purpose” (Shire of Ashburton v Bindibindi Aboriginal Corporation [1999] WASC 108 at 25 (the Bindibindi case). However in applying the case of Shire of Derby-West Kimberley v Yungngora Association Corporation [2007] WASC 233 (the Yungngora Association case), the City is required (under the LGA) to consider the actual use of the land and whether that use is exclusively charitable, not whether the objects of Bundybunna are charitable and the use of any funds yielded from the property are used for a charitable purpose.

Mere ownership of land by a charitable organisation does not in itself bring that land within the scope of section 6.26(2)(g) of LGA, it is only where the land is used exclusively for a charitable purpose that the sub-section applies (Retirees WA (Inc) and Shire of Belmont) [2010] WASAT 56.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER a decision on the request by the Bundybunna aboriginal Corporation to be granted non-rateable land status on the property at 905 Wongdoondy, Tardun Road, Tardun.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

Option 3:

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

1. APPROVE the request by the Corporation and grant non-rateable land status on the property at 905 Wongdoondy, Tardun Road, Tardun.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

CONCLUSION:

Civic Legal have provided the following advice:

1. The court in the Yungnora Association case held that the focus of the rate exemption under section 6.26(2)(g) of the LGA must be upon what is done on the land, not on what use is made, or is going to be made, of what is done on or derived from, the land. It is not sufficient that a commercial or pastoral enterprise provides funds which may be used for charitable purposes, or that the existence of the pastoral enterprise offers the opportunity for employment or training to some members of the community, or facilitates the pursuit of other objectives of benefit to members of the community.
2. Bundybunna may not be conducting a large scale lucrative enterprise on the property but there is an element of commercial character which cannot be ignored. There is a commercial lease bringing in an annual rental income of \$40,000 and a watermelon farm (in its infancy) which Bundybunna admits that it wants to use in the future to generate an income for the corporation.
3. The Courts and the SAT have held that “land is not used for charitable purposes simply because the land is used for the purpose of raising funds to be used for charitable purposes”.
4. Bundybunna has only 3 to 4 volunteer workers, some of whom are members of Bundybunna, and does not appear to employ any persons. Of the four houses on the property, only two are livable and one of these is occupied by Mr Malcolm Papertalk.
5. On the authority of the Yungnora Association case Bundybunna has not provided evidence sufficient to substantiate that its use of the land is exclusively charitable.
6. In order for something to be “charitable” it must have the required “public element”. There is insufficient evidence to show that Bundybunna’s charitable efforts (which it submits includes its youth mentoring and work-for-the dole programs) meet this requirement.
7. The request for a waiver or concession of rates under section 6.47 of the LGA was misconceived and could not also be considered by the City.
8. If denied the rate exemption, Bundybunna may make an application to the SAT for a review of the decision pursuant to section 6.77 of the LGA.

On the basis of the extensive legal advice and opinion provided to the City, and attached to this report, the request for exemption should be rejected.

EXECUTIVE RECOMMENDATION:

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

1. REJECT the request on the grounds that Bundybunna has not established that the property at 905 Wongdoony-Tardun Road, Tardun should be classified as not rateable land pursuant to section 6.26(2)(g) of the Local Government Act and instruct the City’s solicitors, Civic Legal, to prepare the response to Bundybunna’s solicitors of its decision as such.

SC103	OBJECTION TO NOTICE REGARDING LIGHT CAUSING NUISANCE – LANDS EDGE CLOSE, BLUFF POINT
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AGENDA REFERENCE:	D-13-28290
AUTHOR:	A White, Coordinator Development Compliance
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	10 April 2013
FILE REFERENCE:	A19481
APPLICANT / PROPONENT:	William & Hughes Lawyers on behalf of Mr Phillip and Mrs Lynne Conder
ATTACHMENTS:	Yes (x4)

SUMMARY:

The City has received an objection to a Notice, issued by the City of Greater Geraldton to the owners of Lot 38 (No. 5) Lands Edge Close, Bluff Point to take specific measures to prevent security lights creating a nuisance to the owners of neighbouring land.

This report recommends Council dismiss the objection and affirm the requirements of the notice to install a suitable screen around the security lights to ensure that light is not emitted beyond the boundary of the land.

PROPONENT:

The proponent is Williams & Hughes Lawyers acting on behalf of the owners, Mr Phillip and Mrs Lynne Conder.

BACKGROUND:

Following investigations by City Officers in response to complaints lodged by the owners of neighbouring land, a Section 3.25 Notice under the Local Government Act 1995, was served on the owners of No. 5 Lands Edge Close, Bluff Point.

The complaints were that the security lights were creating a nuisance. After investigation, Officers are of the opinion that the light that is being emitted from the security lights on No. 5 Lands Edge Close, Bluff Point is causing a nuisance.

Details of the events that have taken place to this point in time are included as Attachment No. 103A.

Street views of the properties are included as Attachment No. 103B. Copies of all correspondence are available to Council upon request.

COMMUNITY CONSULTATION:

There has been no community consultation other than with the parties concerned.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Section 3.25 of the Local Government Act 1995 permits a local government to give the owner of land a notice in writing relating to the land requiring the person to do anything specified in the notice that is prescribed in Schedule 3.1, Division 1.

Schedule 3.1, Division 1 details “*things a notice may require to be done*” and clause 13 of Division 1 states:

Take specific measures to prevent:

- (a) artificial light emitted from the land; or*
- (b) natural or artificial light being reflected from something on the land, creating a nuisance.*

Section 9.6 of the Local Government Act 1995 details how an objection is to be dealt with as follows:

9.6. *Dealing with objection*

- (1) The objection is to be dealt with by the council of the local government or by a committee authorised by the council to deal with it.*
- (2) A committee cannot deal with an objection against a decision that it made or a decision that the council made.*
- (3) The person who made the objection is to be given a reasonable opportunity to make submissions on how to dispose of the objection.*
- (4) The objection may be disposed of by —*
 - (a) dismissing the objection; or*
 - (b) varying the decision objected to; or*
 - (c) revoking the decision objected to, with or without —*
 - (i) substituting for it another decision; or*
 - (ii) referring the matter, with or without directions, for another decision by a committee or person whose function it is to make such a decision.*
- (5) The local government is to ensure that the person who made the objection is given notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way.*

Once Council has made a decision on how to deal with the objection the applicant may request that the State Administrative Tribunal review that decision in accordance with Section 9.7 of the Local Government Act 1995.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

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

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

Goal 4:	Opportunities for Sustainability.
Outcome 4.1:	Vibrant and sustainable urban and rural environment.
Strategy 4.1.4:	Develop, apply and regulate effective planning schemes, building regulations and policies.
Goal 5:	Leading the Opportunities.
Outcome 5.1:	Leadership and good governance.
Strategy 5.1.3:	Implement business, governance, legislative and compliance frameworks.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic outcomes.

Social:

Two separate complaints have been received regarding the light issue. Whilst it is acknowledged that lighting for security purposes is common practice in residential areas, this should not be to the detriment of the amenity of surrounding properties. In this instance it is considered that the security lighting is excessive and causing a nuisance.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority.

In accordance with Section 9.6(1) of the Local Government Act 1995:

The objection is to be dealt with by the council of the local government or a committee authorised by the council to deal with it.

Section 5.43(g) of the Local Government Act 1995 also specifically states:

5.43 Limits on delegations to CEO

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

(g) hearing or determining an objection of a kind referred to in section 9.5;

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority, pursuant to Section 9.6 of the Local Government Act 1995, RESOLVES to:

1. REVOKE the Section 3.25 Notice issued to the owners of Lot 38 (No. 5) Lands Edge Close, Bluff Point regarding the nuisance caused by their security lights to neighbouring properties; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to Section 9.6 of the Local Government Act 1995, RESOLVES to:

1. VARY the Section 3.25 Notice issued to the owners of Lot 38 (No. 5) Lands Edge Close, Bluff Point regarding the nuisance caused by their security lights to neighbouring properties; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 4:

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

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

CONCLUSION:

Two separate complaints have been received regarding the light issue. Whilst it is acknowledged that lighting for security purposes is common practice in residential areas, this should not be to the detriment of the amenity of surrounding properties. The requirements of the Notice to install a suitable screen around the security lights should be complied with. In this instance it

is considered that the security lighting is excessive and causing a nuisance and therefore Options 2 and 3 are not supported.

Option 4 is not supported as there is considered sufficient information to determine the matter.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 9.6 of the Local Government Act 1995 RESOLVES to:

1. DISMISS the objection to the Section 3.25 Notice issued to the owners of Lot 38 (No. 5) Lands Edge Close, Bluff Point regarding the nuisance caused by their security lights to neighbouring properties.

SC104	FINAL ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – RESIDENTIAL R40, WANDINA
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AGENDA REFERENCE:	D-13-32152
AUTHOR:	T Brown, Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	9 May 2013
FILE REFERENCE:	LP/15/0015
APPLICANT / PROPONENT:	Chappell Lambert Everett
ATTACHMENTS:	Yes

SUMMARY:

The advertising period has concluded for Scheme Amendment No. 17 which proposes to rezone Lot 1157 Wanderer Concourse, Wandina from 'Residential R20' to 'Residential R40'.

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

PROPONENT:

The proponent is Chappell Lambert Everett on behalf of the Department of Housing (Seacrest Corporation Pty Ltd).

BACKGROUND:

The subject land is located within the Seacrest Residential Estate in Wandina and is currently being created under WA Planning Commission subdivision approval 143309. Lot 1157 is bound by Herbert Street to the north, Wanderer Concourse to the south and Pekin Way to the west. A public open space area of 6,796m² is proposed opposite the site which will offer opportunities for passive and active recreation.

The proposed Lot 1157 Wanderer Concourse is 1,875m² and the current zoning of R20 could accommodate up to four residential dwellings. However, the site has been depicted as providing five medium density lots within the approved Seacrest Estate – Wandina Structure Plan.

The purpose of the R40 rezoning is to facilitate the development of the site for the five lots (as originally intended by the Structure Plan).

Extracts from the Amendment document, which includes the Seacrest Estate – Wandina Structure Plan, is included as Attachment No. 104A.

COMMUNITY CONSULTATION:

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

The advertising period commenced on 27 March 2013 and concluded on 8 May 2013 and involved the following:

1. Adjoining/nearby landowners were written to and advised of the proposed Amendment;
2. A public notice appeared in the Midwest Times on Thursday 4 April 2013.
3. A sign was placed on-site;
4. The Amendment details were available on the City's website;
5. The Amendment details publicly displayed at the Civic Centre; and
6. The Amendment was referred to the following:
 - Department of Health
 - Department of Indigenous Affairs
 - Department of Regional Development and Lands
 - Department of Water
 - Mid West Chamber of Commerce & Industry
 - Mid West Development Commission
 - Telstra
 - Water Corporation
 - Western Power

Submissions

As a result of the advertising, a total of 4 submissions were received all with no objections.

A 'Schedule of Submissions' is included as Attachment No. 104B and copies of the actual submissions are available to Council upon request.

COUNCILLOR CONSULTATION:

The Amendment was previously considered by Council at the meeting held on 26 February 2013 when the rezoning was initiated.

STATUTORY IMPLICATIONS:

The subject land is currently zoned 'Residential' under Local Planning Scheme No. 5 (Greenough) with a density coding of R20.

The Amendment proposes to rezone the land to 'Residential R40'. The Scheme lists the objectives of the 'Residential' zone being:

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

It is considered that the Amendment will comply with the objectives of the 'Residential' zone by providing a range of housing choices through an increase in residential density.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

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

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

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

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

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

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

The Amendment will help facilitate a vibrant and diverse mixture of housing types in the Seacrest Estate.

Social:

The development will ultimately provide a range of housing choices and increase the residential amenity.

Environmental:

The Environmental Protection Authority advised that the Amendment should not be assessed under the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

In August 2007, Council approved the rezoning of four other sites within the Seacrest Estate from R20 to R40.

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

DELEGATED AUTHORITY:

There is no delegate authority.

VOTING REQUIREMENTS:

Simply Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to adopt for final approval Scheme Amendment No. 17 to Local Planning Scheme No. 5 (Greenough); and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER the final approval of Scheme Amendment No. 17 to Local Planning Scheme No. 5 (Greenough); and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The strategic intent for the site has already been demonstrated through the current zoning and via numerous strategic documents including the Greater Geraldton Structure Plan, Seacrest Estate – Wandina Structure Plan and approved WA Planning Commission subdivision of the site.

The primary purpose behind the Amendment is to facilitate the development of the subject land in accordance with the Seacrest Estate – Wandina Structure Plan. The Amendment proposed is of the minor nature and will facilitate medium density development in an area of higher amenity with no impact on surrounding sites. With access to public parkland opposite, and its close proximity to the proposed Seacrest local centre, the site lends it to providing a higher density zoning.

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

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

EXECUTIVE RECOMMENDATION:

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

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT for final approval Scheme Amendment No. 17 to Local Planning Scheme No. 5 (Greenough); and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

SC105	PROPOSED CLOSURE AND REALIGNMENT OF A PORTION OF MINNENOOKA ROAD, WALKAWAY
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AGENDA REFERENCE:	D-13-32621
AUTHOR:	S Schewtschenko, Senior Statutory Planner
EXECUTIVE:	P Melling, Director Sustainable Communities
DATE OF REPORT:	8 May 2013
FILE REFERENCE:	P146883/RC104
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The advertising period has concluded for the closure and realignment of a section of Minnenooka Road reserve abutting Lots 26 and 32 Minnenooka Road, Walkaway.

This report recommends support of the closure and realignment and that it be forwarded to the Minister for Lands for final approval.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The subject portion of the road reserve to be closed is 7,874m² and the proposed realigned reserve is 8,954m². The closed portion is currently constructed to a gravel standard. It is intended that the closed portion of road reserve will be amalgamated with the abutting Lot 26.

The closure and realignment was initiated by the City in order to improve the road safety and reduce the likelihood of vehicle accidents given that the existing road alignment is located on a hill and contains a 90 degree bend.

The City's Department of Community Infrastructure is responsible for the project management and construction of the new road alignment.

The proposal was submitted through the subdivision process and granted approval by the Western Australian Planning Commission (WAPC) on 10 January 2013.

In accord with the approved WAPC plan the City has appointed surveyors to undertaking the necessary surveying and creation of a Deposited Plan which will show the road closure and new road alignment.

In order for the process to be finalised the Department of Regional Development and Lands requires the road closure to proceed through the formal closure process which includes a Council resolution.

A copy of the approved WAPC plan (which also shows the location) is included as Attachment No. SC105.

COMMUNITY CONSULTATION:

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

The advertising period was for 35 days (commencing on 14 March 2013 and concluding on 18 April 2013) and involved the following:

1. Correspondence to abutting affected landowners;
2. A notice appeared in the Midwest Times on 14 March 2013;
3. The proposal was available on the City's website;
4. The proposal was publicly displayed at the Civic Centre & Mullewa Office;
5. The closure was referred to the following:
 - Australia Post
 - ATCO Gas
 - Dept. of Indigenous Affairs
 - FESA
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power

Submissions:

As a result of the advertising, a total of four (4) submissions were received all from Government Agencies with no objections to the proposed closure. Copies of the actual submissions are available to Council upon request.

COUNCILLOR CONSULTATION:

There has been Councillor consultation.

STATUTORY IMPLICATIONS:

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The road realignment works have been budgeted as part of the Capital Works and Assets within the Department of Community Infrastructure.

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

Goal 4: Opportunities for Sustainability.

Outcome 4.2: Improved Transport and Accessibility.

Strategy 4.2.2: Improve our network of urban, rural and regional roads, cycle ways, trails and paths.

Regional Outcomes:

There are no regional outcomes.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

The author is not aware of any relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE the closure of a portion of Minnenooka Road reserve, Walkaway; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER the closure of a portion of Minnenooka Road reserve, Walkaway; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The proposal will allow for the realignment of Minnenooka Road to provide a safer road alignment to that which currently exists.

Option 2 is not supported as the proposed closure and realignment allows for a new road to be constructed within a safer alignment and within a new reserve.

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

EXECUTIVE RECOMMENDATION:

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

1. REQUEST the Minister for Lands to approve the closure of a portion of Minnenooka Road reserve and amalgamate the closed portion with the adjoining Lot 26; and
2. DEDICATE the realigned portion as road reserve.

CC107 CREATIVE COMMUNITY PLAN AND POLICY

AGENDA REFERENCE:	D-13-27769
AUTHOR:	C Budhan, Manager Arts, Culture & Events
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	13 May 2013
FILE REFERENCE:	GO/6/0015
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x 8)

SUMMARY:

The purpose of this report is to seek a Council resolution on the Creative Community Plan.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Following Council's resolution on 26 February 2013, the draft Creative Community Plan was advertised for public comment for a period of 30 days. Specifically, it was advertised in the Geraldton Guardian and Midwest Times as well as on the City's website and Queens Park Theatre's website during the period of 14 March to 12 April 2013.

1. *ADVERTISE the 'draft Creative Community Plan' and CP060 'Creative Community Policy' for public comment for a period of 30 days;*
2. *ADOPT the Creative Community Plan and Creative Community Policy if no objections are received during the advertising period; and*
3. *REQUIRE a further report to Council if any objections are received during the advertising period.*

During the advertising period, three submissions on the draft Creative Community Plan were received. This report brings those submissions, the officers' responses, and the Creative Community Plan (attached) which has been revised in response to the submissions, before Council.

COMMUNITY CONSULTATION:

The Creative Community Plan is based on extensive community consultation that occurred in 2010-11 as part of the 2029 and Beyond community-based planning process. It has also been informed by consultation with the Government of Western Australia's Department of Culture and the Arts via the Geraldton Regional Art Gallery and WA Museum – Geraldton.

Furthermore, the Plan has been informed by consultation with several state, regional and local arts and heritage organisations, including the Arts and Cultural Development Council (ACDC), National Trust WA, Community Arts Network WA, and Country Arts WA.

Following Council's resolution on 26 February 2013, the draft Creative Community Plan was advertised for public comment for a period of 30 days (during the period of 14 March to 12 April 2013 in the Geraldton Guardian and

Midwest Times and on City websites). Three submissions were received. These submissions are summarised in the table below. The full submissions are attached along with the City's response to each submission.

NAME	COMMENTS
Clinton Nadler	<ul style="list-style-type: none"> • Reference the Goals from the Australian Governments: Creative Australia, National Cultural Policy; • Implement of Evaluation guidelines to most community events; • Increase percentage of Art to 1%; • Provide support for the professional development of individual cultural workers; • Introduce an annual Creative Fellowship recognising leading emerging artists; • Adopt guidelines from the National Association for the Visual Arts and Arts Law Centre of Australia; • Provide additional access to City Art Collection by digitising the collection; • Establish a Children's Art Centre to present exhibitions and interactive projects designed for children; • Support a Children's Film Festival; • Develop community pathways that will provide children and young people to plan, manage and deliver their own cultural activities and events; • Expand to include all Aboriginal and Torres Strait Islanders; • Implement an E-waste recycling program. E-waste is a growing global problem and highly toxic to the environment; and • Provide a cutting edge digital hub for digital content makers, film makers, artists.
James Evans	<ul style="list-style-type: none"> • Increase exhibition space and professional opportunities for local artists; and • Increase representation by local artists in the Mid-West Art Prize.
Pollinators Inc.	<ul style="list-style-type: none"> • Contract a local designer to make the document look more creative; • Revise the wording, number of initiatives and their priority to provide a clearer 'strategy'; • Identify specific locations, activities, events or themes that will be higher priority; • Add a section that describes what will NOT be supported, to be clear about what are low priorities or undesirable activities; • Include a summary table of the high priority initiatives e.g. quick wins; • Reduce the number of outcomes to a smaller set that can actually be measured; • Engage an evaluation / social impact consultant to create measurable, meaningful outcomes and a program for measuring and reporting on them; • Request that funded projects (Council, Business and Community) to report against outcomes; • Include an initiative to collate, report and evaluate changes in the indicators and outcomes; • Present this document to other investors and funders in creative projects and encourage their investment to align with the community's priorities presented in the plan; • Add an initiative related to physically co-locating and clustering arts and cultural activities and institutions; • Initiative 1.7 should be the City AND Community responsibility – much of the streetscaping will occur on private land and community will need to be a partner in developing this;

	<ul style="list-style-type: none"> • Reword Initiatives 2.2 and 2.10 or their outcomes to emphasise efficiency as an outcome; • Initiative 2.15 should be a HIGH priority, to align with the City Centre Vibrancy Strategy.; • Add sporting precincts that are likely to receive major investment as locations for artistic and creative design e.g. 8th Street Precinct; • Add the City's main entrances and thoroughfares as locations to prioritise public art e.g. NWC Hwy, Road in from Airport and link this to Theme 4; • Make recommendation 3.12 a HIGH priority as it is an easy win and can have a major impact; • Make projections onto buildings a HIGH priority (Initiative 5.3); and • Make the youth art studio a HIGH priority and investigate opportunities to use disused buildings or colocation with another initiative for this purpose (Initiative 5.7).
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Based on these comments, responses have been issued and the Creative Community Plan has been revised. The responses and revised Plan and Policy are attached, and the revisions are summarised in the table below.

DRAFT	REVISED
[This initiative is a new addition.]	Initiative 1.10: Develop an evaluation framework for community art projects, cultural events and creative community strategies.
Initiative 2.2: Develop a cultural facilities plan. <ul style="list-style-type: none"> • Outcome: Greater clarity, commitment and strategic focus in the development of cultural facilities. 	Initiative 2.2 Develop a cultural facilities plan. <ul style="list-style-type: none"> • Outcome: Greater clarity, commitment, efficiency and strategic focus in the development of cultural facilities.
Initiative 2.10: Create an inventory of available cultural spaces and an interactive website to promote access to the information and enable "matchmaking" between artists and locations. <ul style="list-style-type: none"> • Outcome: Better alignment of arts projects and cultural spaces. 	Initiative 2.10: Create an inventory of available cultural spaces and an interactive website to promote access to the information and enable efficient "matchmaking" between artists and locations. <ul style="list-style-type: none"> • Outcome: Greater efficiency in the alignment of arts projects and cultural spaces.
Initiative 2.12: Provide mentoring and support programs for entrepreneurs working in the creative industries.	Initiative 2.12: Provide mentoring and support programs for artists, art workers and creative-industries entrepreneurs.
Initiative 2.15: Support the temporary use of disused buildings as artistic work and performance spaces. <ul style="list-style-type: none"> • Priority: Medium 	Initiative 2.15: Support the temporary use of disused buildings as artistic work and performance spaces. <ul style="list-style-type: none"> • Priority: High
Initiative 3.11: Incorporate artistic and creative design, and policy initiatives into the City of Greater Geraldton's current work on developing precincts including the: <ul style="list-style-type: none"> • Foreshore; • Bill Sewell Centre; • West End; • Research, Health, Education and Training (RHET) Precinct; • Batavia Coast Marina Strategy Stage 2; 	Initiative 3.11: Incorporate artistic and creative design, and policy initiatives into the City of Greater Geraldton's current work on developing precincts and strategic sites including the: <ul style="list-style-type: none"> • Foreshore; • Bill Sewell Centre; • West End; • Research, Health, Education and Training (RHET) Precinct; • Batavia Coast Marina Strategy Stage

<ul style="list-style-type: none"> • Marine Terrace as per the City Vibrancy Plan; • Technology Park at the Airport; and • Neighbourhood redevelopment precincts being planned for a number of suburbs around Geraldton. 	<p>2;</p> <ul style="list-style-type: none"> • Marine Terrace as per the City Vibrancy Plan; • Airport; • Technology Park at the Airport; • Eighth Street Sporting Precinct; • The City's main entrances and thoroughfares; and • Neighbourhood redevelopment precincts being planned for a number of suburbs around Geraldton.
<p>Initiative 3.12: Enhance the appearance of prominent buildings and sites through inclusion of art and creative lighting design.</p> <ul style="list-style-type: none"> • Priority: Medium 	<p>Initiative 3.12: Enhance the appearance of prominent buildings and sites through inclusion of art and creative lighting design.</p> <ul style="list-style-type: none"> • Priority: High
<p>Initiative 5.3: Provide opportunities for digital and social media to be projected/displayed around the CBD.</p> <ul style="list-style-type: none"> • Priority: Medium 	<p>Initiative 5.3: Provide opportunities for digital and social media to be projected/displayed around the CBD.</p> <ul style="list-style-type: none"> • Priority: High
<p>[This initiative is a new addition.]</p>	<p>Initiative 5.8: Develop community pathways that enable young people to plan, manage and deliver their own cultural activities and events.</p>
<p>Initiative 7.5: Foster an artist in residence program emphasising skills transfer and mentoring.</p>	<p>Initiative 7.5: Foster artist-in-residence and creative fellowship programs emphasising skills transfer and mentoring.</p>
<p>Initiative 8.7: Give people in Greater Geraldton more access to arts events via new media.</p>	<p>Initiative 8.7: Leverage new media to increase the community's access to and participation in arts and events.</p>
<p>[This appendix is a new addition.]</p>	<p>Appendix 1: Summary Table of High-Priority Initiatives</p>

COUNCILLOR CONSULTATION:

The Creative Community Plan has been reviewed by the Public Art Advisory Committee, which includes Cr Bennett and Cr Thomas. In addition, it was presented to Council at the Concept Forum of 6 November 2012, and at the Ordinary Meeting of Council on 25 February 2013 Council adopted the draft plan for the purposes of public advertising.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

The Creative Community Plan recommends the development of policies in arts, place and identity, cultural tourism, youth, Yamaji culture, rural communities, and digital connection. It links to the draft Strategic Community Plan and draft City Vibrancy Plan as stated throughout the document. It is supported by the corresponding Creative Community Policy. Under the Creative Community Policy, strategic planning and arts, culture, events and creative industries projects are required to make specific reference to the Creative Community Plan and Policy.

FINANCIAL AND BUDGET IMPLICATIONS:

The Creative Community Plan recommends the development of events, information, outreach, places, policies and programs. These recommendations have financial implications. However, the Plan is intended for use by the whole Greater Geraldton community as well as the City; therefore, the City will not bear the full impost of its implementation.

Moreover, many of the Plan's recommendations are already being actioned and can continue to be within status quo resource allocations; and many will attract grants and other external funding. Any additional funding requirements will be considered by Council as part of the annual budget processes.

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

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

Regional Outcomes:

The Creative Community Plan includes a section dedicated to the creative development of regional areas (Theme 7: Rural Communities).

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

The Creative Community Plan supports many of the strategies in the City Vibrancy Plan, including brand, marketing and cultural tourism development.

Social:

The Creative Community Plan supports many of the strategies in the Strategic Community Plan, including those under Goal 1: Opportunities for Lifestyle.

Environmental:

There are no environmental issues.

Cultural & Heritage:

The Creative Community Plan is intended to become the principle guiding document for the City's creative industries.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Under Section 5.20 of the Local Government Act 1995, a simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DECLINE to adopt the Creative Community Plan and Creative Community Policy; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER consideration of adopting the Creative Community Plan and Creative Community Policy; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 4:

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

1. AMEND the Creative Community Plan and Creative Community Policy as follows:
 - a. To be determined by Council; and
2. ADOPT the amended Creative Community Plan and Creative Community Policy.

CONCLUSION:

The Creative Community Plan has been informed by consultation with several state, regional and local arts and heritage organisations, including the Arts and Cultural Development Council (ACDC), National Trust WA, Community Arts Network WA, and Country Arts WA. In addition, it has been reviewed by the Public Art Advisory Committee (which includes Cr Bennett and Cr Thomas), and was presented to Council at the Concept Forum of 6 November 2012.

Following Council's resolution on 26 February 2013, the draft Creative Community Plan was advertised for public comment for a period of 30 days. Three submissions were received (attached). Officers have considered and responded to these submissions, and revised the Creative Community Plan accordingly (see attached).

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the Creative Community Plan;
2. PROMOTE the use of the Creative Community Plan and Policy as guiding documents in creative industries;
3. ADOPT the Creative Community Policy; and
4. NOTE that any projects or initiatives requiring financial commitment will be brought before Council as part of annual budget processes.

CC108	DISABILITY ACCESS AND INCLUSION PLAN
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AGENDA REFERENCE:	D-13-28025
AUTHOR:	S Davidson, Community Development Officer & R Ellis, Manager Community Development and Empowerment
EXECUTIVE:	A. Selvey, Director Creative Communities
DATE OF REPORT:	23 April 2013
FILE REFERENCE:	GO/6/0015
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

SUMMARY:

The purpose of this report is to seek a Council resolution on the proposed Disability Access and Inclusion Plan and corresponding Disability Access and Inclusion Policy.

PROPONENT:

The proponent is the City of Greater Geraldton,

BACKGROUND:

Under the *Disability Services Act 1993 (amended 2004) WA*, local governments are required to develop and implement a Disability Access and Inclusion Plan. A part of these requirements is for public authorities to review their DAIP at a minimum of every five years.

As the current plan has now expired, the City of Greater Geraldton Disability Access and Inclusion Plan 2013-2018 (DAIP) needs to be submitted to the Disability Services Commission.

The City has undertaken a review process with a working party overseeing the process. The working party comprised a total of 18 members including staff and representatives from external stakeholders and agencies.

This group was first convened in October and has since reviewed the current information to formulate a new Disability Access and Inclusion Plan. The DAIP supports multiple facets of our Strategic Community Plan and visions of the 2029 and Beyond charter; and it provides a framework for making the City accessible and inclusive.

The DAIP has been developed to align with relevant Legislation, Codes and Standards and best practice principles as set out by the Western Australian Government through the *Disability Services Commission*. The working party is satisfied that the new plan satisfies the requirements.

The DAIP also aligns with the federal government's *National Disability Strategy 2010-2020* which sets out a ten year national policy framework for improving life for Australians with disability, their families and carers. It represents a commitment by all levels of government, industry and the community to a unified, national approach to policy and program

development. This new approach will assist in addressing the challenges faced by people with disability, both now and into the future.

The Commonwealth, State and Territory and Local Governments have developed the Strategy in partnership under the auspices of the Council of Australian Governments (COAG) and sets out six priority areas for action to improve the lives of people with disability, their families and carers.

The six policy areas of the National Disability Strategy 2010-2020 are;

1. Inclusive and accessible communities;
2. Rights protection, justice and legislation;
3. Economic security;
4. Personal and community support;
5. Learning and skills; and
6. Health and wellbeing.

COMMUNITY CONSULTATION:

A community and a staff survey was undertaken in December and the data collated and reviewed by the working party. All complaints, enquiries and Council agenda items from the previous two years has also been reviewed and the working party underwent two workshops to develop the strategies for the new DAIP.

The working party consisting of internal staff and external stakeholders and agencies, has developed the Disability Access and Inclusion Plan and recommends it to be adopted by Council and submitted to the Disability Services Commission as the City of Greater Geraldton's framework for Disability Access and Inclusion.

An accompanying policy for Disability Access and Inclusion has also been developed by the working party for consideration by Council. The policy provides an essential underpinning in the DAIP framework and informs the relevant legislative requirements and provides the working principles for the directions and development of activities and services applied by the City of Greater Geraldton to provide for the needs of people with a disability.

This report seeks approval from Council to advertise the DIAP and Policy for broader public input.

COUNCILLOR CONSULTATION:

Not applicable.

STATUTORY IMPLICATIONS:

It is a requirement of the *WA Disability Services Act 2004 (WA)*, that all local government authorities develop and implement a Disability Access and Inclusion Plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and services and that each is required to lodge its Disability Access and Inclusion Plan with the *WA Disability Services Commission*. The legislative requirements of the *Disability*

Services Act 2004 (WA), also frame and include the *Disability Discrimination Act 1992 (Cth)*, and the *Equal Opportunity Act 1984 (amended 1988)(WA)*.

The *Disability Services Act (WA)* requires that the Disability Access and Inclusion Plan addresses six outcome principles and recommends developing strategies for each. The listed outcomes provide a framework for translating the principles and objectives of the *Act* into tangible and achievable results.

POLICY IMPLICATIONS:

This report recommends that Council adopts the draft Disability Access and Inclusion Policy as attached for the purpose of advertising for public comment.

If adopted by Council, the City of Greater Geraldton Disability Access and Inclusion Policy will govern the legislative requirements of the City of Greater Geraldton DAIP and provide the working principles for the directions and development of activities and services applied by the City of Greater Geraldton to provide for the needs of people with a disability.

The attached draft policy is consistent with The City of Greater Geraldton Equal Employment Opportunity Policy 2012 CP 012

FINANCIAL AND BUDGET IMPLICATIONS:

Any financial impacts would be brought before Council as part of the annual budget process for Council consideration.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 3: A strong healthy community which is equitable, connected and cohesive.

Outcome 3.5: Community Health and Safety.

Strategy 3.5.1: Creating a city that supports family living, Aboriginal and Torres Strait Islander communities, multicultural groups, people with disabilities, young people and seniors.

Regional Outcomes:

All improvements to making our City more accessible and inclusive have an accumulative impact on enhancing our standing as a liveable city, a major regional service centre and a tourism destination.

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

The City population is growing, as is commercial activity and locations that meet the demands to access to parking, amenities and public transport prosper and therefore improving access in commercial areas benefits both the community and local traders.

Social:

A well designed accessible city, which plays particular attention to community hubs will increase public safety and attract community activity and by alleviating physical barriers will also contribute to disseminating the social barriers within the community.

Environmental:

No issues.

Cultural & Heritage:

Equitable access to cultural venues and event locations are DAIP strategy elements and the city venues and facilities involving the public are required to meet access standards.

RELEVANT PRECEDENTS:

The City of Greater Geraldton Disability Access and Inclusion Plan 2008-2013.

DELEGATED AUTHORITY:

Not applicable

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DECLINES to adopt the Disability Access and Inclusion Plan 2013-18 and the Disability Access and Inclusion Policy;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. DEFER the adoption of ADOPT the Disability Access and Inclusion Plan 2013-18 and the Disability Access and Inclusion Policy;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

This plan and policy reflects the City's commitment to Disability access and inclusion and the City of Greater Geraldton Disability Access and Inclusion Plan 2013-2018 to be registered with the Western Australian Disability Services Commission.

EXECUTIVE RECOMMENDATION:

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

1. ADVERTISE the Draft Disability Access and Inclusion Plan 2013-18 and the Draft Disability Access and Inclusion Policy for public comment for a period of 42 days;
2. ADOPT the Disability Access and Inclusion Plan 2013-18 and the Disability Access and Inclusion Policy if no objecting submissions are received during the advertised period; and
3. REQUIRE a further report to Council if any objections are received during the advertising period.

14 OPERATIONAL MATTERS

OP0040 VOTING DELEGATES FOR THE 2013 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING

AGENDA REFERENCE:	D-13-29671		
AUTHOR:	C Wood,	Director	Organisational Performance
EXECUTIVE:	C Wood,	Director	Organisational Performance
DATE OF REPORT:	30 April 2013		
FILE REFERENCE:	GR/10/0025		
APPLICANT / PROPONENT:	City of Greater Geraldton		
ATTACHMENTS:	No		

SUMMARY:

The purpose of this report is to advise Council of the upcoming 2013 Western Australian Local Government Association (WALGA) Annual General Meeting and to seek approval to nominate voting delegates to attend the meeting on behalf of the City of Greater Geraldton.

PROPONENT:

The Proponent is the City of Greater Geraldton

BACKGROUND:

The 2013 Annual General Meeting for the WALGA will be held on 7 August 2013. In order to exercise their voting entitlements, member Councils must register their voting delegates.

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

In 2012 the Council's voting delegates were Mayor Carpenter and Cr Tarleah Thomas as Council's representatives on the Northern Zone Committee. However, this year Cr Thomas will be unable to attend and therefore a further delegate is required. Proxy delegates will also be required.

COMMUNITY CONSULTATION:

No community consultation is required.

COUNCILLOR CONSULTATION:

This report is presented to councillors to appoint voting and proxy voting delegates.

STATUTORY IMPLICATIONS:

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The approximate cost of the City's attendance at the 2013 WALGA Local Government Convention is \$1,500 travel and accommodation costs per delegate, plus the registration fee of \$1,250. There are no registration fees associated with attending the Annual General Meeting

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

Goal 5: Inclusive Civic and Community Engagement and Leadership.

Outcome 5.3: Advocacy and Partnerships

Strategy 5.3: Active participation in regional, State and national alliances such as WARCA and RCA

Regional Outcomes:

The WALGA Annual General Meeting is a good opportunity to represent the Greater Geraldton area.

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

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER the decision to nominate voting delegates for the 2013 WALGA Annual General Meeting;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. NOT NOMINATE Mayor Carpenter and Deputy Mayor Cr Neil McIlwaine to represent the City of Greater Geraldton as voting delegates at the 2013 WALGA Annual General Meeting; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

If Council wishes to vote on issues at the Annual General Meeting of WALGA then it is required to nominate two councillors as voting delegates and two proxy voting delegates.

EXECUTIVE RECOMMENDATION:

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

1. NOMINATE Mayor Carpenter and Deputy Mayor Councillor Neil McIlwaine to represent the City of Greater Geraldton as voting delegates at the 2013 WALGA Annual General Meeting; and
2. NOMINATE Councillor _____ and Councillor _____ to represent the City of Greater Geraldton as proxy voting delegates at the 2013 WALGA Annual General Meeting.

OP0041 APPLICATION FOR FREEDOM OF ENTRY TO THE CITY OF GREATER GERALDTON

AGENDA REFERENCE:	D-13-33177		
AUTHOR:	C Wood,	Director	Organisational
	Performance		
EXECUTIVE:	C Wood,	Director	Organisational
	Performance		
DATE OF REPORT:	7 May 2013		
FILE REFERENCE:	PH/12/0008		
APPLICANT / PROPONENT:	Leading Aircraftsman (AAFC) Hayden Spencer		
ATTACHMENTS:	Yes		

SUMMARY:

The purpose of this report is to seek Council's approval to bestow the award of Freedom of Entry to the City to the 711 Squadron AAFC and present this honour at the Sunshine Festival.

PROponent:

The proponent is Leading Aircraftsman (AAFC) Hayden Spencer.

BACKGROUND:

At its ordinary meeting of 23 April 2013, Council approved the introduction of CP061 Keys to the City and Freedom of Entry.

The City has received an application from Leading Aircraftsman (AAFC) Hayden Spencer for the bestowing of the award of Freedom of Entry to the City on 711 Squadron AAFC which is about to celebrate 20 years of operations in Geraldton.

Freedom of Entry to the City of Greater Geraldton is a ceremonial honour, which became popular during the nineteenth century and draws some inspiration from medieval history. A military or civilian unit accorded this privilege is granted the right of entry to the City "with bayonets fixed, colours flying and drums beating".

This award is restricted to Australian military and civilian units that have, through their command, a significant attachment to the City of Greater Geraldton. It is conferred in recognition of their achievement while on active service or overseas duty or as a mark of respect and gratitude for their efforts in the defence of Australia. Freedom of Entry to the City of Greater Geraldton is celebrated with a parade of the unit through the streets.

The aim of the Australian Defence Force Cadets, which includes the AAFC is

By predominantly voluntary effort, to better equip young people for community life by fostering initiatives, leadership, discipline and loyalty through training programmes which are also designed to stimulate an interest in a particular arm of the Defence Force.

711 Squadron AAFC (Formerly 11 Flight AIRTC) was established in Geraldton, Western Australia in February of 1993 by AIRCDR (Retired) D Hitchins. It is currently an active organisation within the City of Greater Geraldton community by being involved with events such as:

- Valley View Vintage fly in;
- Geraldton Heritage Day;
- Australia Day;
- ANZAC Day Parades;
- Sunshine Festival; and
- Boating and Camping show.

2013 marks the 20th anniversary of the Squadron making it an important occasion in the Squadron's history.

711 Squadron will continue to foster and grow its current involvement with the City of Greater Geraldton community. The squadron will actively seek to develop the youth of the City of Greater Geraldton.

The conferring of this award will be held in conjunction with the parade for the Sunshine Festival Parade on 6 October 2013.

COMMUNITY CONSULTATION:

There has been no community consultation in this matter.

COUNCILLOR CONSULTATION:

There has been no councillor consultation in this matter.

STATUTORY IMPLICATIONS:

There are no statutory implications in this matter.

POLICY IMPLICATIONS:

Policy CP061 Keys to the City and Freedom of Entry applies.

FINANCIAL AND BUDGET IMPLICATIONS:

The cost to the City will be a certificate and a gift which will be sourced from the Governance and Risk budget as required.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 3:	A strong healthy community which is equitable, connected and cohesive.
Outcome 3.2:	Youth
Strategy 3.2.3:	Develop leadership and mentoring programs for young people

Regional Outcomes:

There are no regional outcomes from this matter.

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

There are no economic issues associated with this matter.

Social:

The existence of the local auxiliary provides the youth in the community with opportunities to participate in the community and learn leadership skills.

Environmental:

There are not environmental issues associated with this matter.

Cultural & Heritage:

The local auxiliary is celebrating its 20 year anniversary of providing services to the community.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER approval of the application for Freedom of Entry to the City for the 711 Squadron; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. NOT APPROVE the application for Freedom of Entry to the City for 711 Squadron; and
 2. MAKES the determination based on the following reason:
 - a. To be determined by Council.
-

CONCLUSION:

The Freedom of Entry policy allows applications from appropriate military and civilian units that have, through their command, a significant attachment to the City of Greater Geraldton. The 711 Squadron is celebrating 20 years of operation in Geraldton.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE the application for Freedom of Entry to the City for the 711 Squadron AAFC; and
2. ACKNOWLEDGE the years of service of the Squadron through the presentation of a certificate and an appropriate gift at the Sunshine Festival Parade in October 2013.

OP0042 INTERNATIONAL RELATIONS - VISIT TO THE CITY OF BUKITTINGGI

AGENDA REFERENCE:	D-13-31903
AUTHOR:	R Smallwood, Manager Economic Development Innovation & Technology
EXECUTIVE:	C Wood, Director Organisational Performance
DATE OF REPORT:	10 May 2013
FILE REFERENCE:	ED/2/0003
PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The purpose of this item is to seek Council's commitment to forming a relationship with the City of Bukittinggi, Indonesia and Council's approval for the Mayor and the Chairman of the International Relations Development Advisory Committee, Councillor Chris Gabelish, to undertake a visit to the City of Bukittinggi, Indonesia in August or September 2013.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Geraldton-Greenough resolved in February 2011 to progress negotiations with Bukittinggi with a view to developing a formal relationship as follows:

Part A – Bukittinggi (Indonesia)

That Council by Simple Majority pursuant to s.5.56 of the Local Government Act 1995 (as amended) RESOLVES to:

- 1. PROGRESS negotiations with Bukittinggi toward developing a formal relationship;*
- 2. RECOMMEND a visit by the City of Geraldton-Greenough delegation to Bukittinggi, to further investigate where benefit can be gained from within the eleven selection criteria (as per the Sister City Policy) of developing Sister City relationships in the 2011/12 period; and*
- 3. CONSIDER a budget item of \$10,000 in the 2011/12 budget, be allocated to progress investigations and research possible opportunities between Bukittinggi and the City of Geraldton Greenough, including a visit to Bukittinggi by the City of Geraldton-Greenough Mayor. Outcome of this visit and further research to be submitted in a full report to Council.*

In March 2011 a proposal was put to Council to send a delegation to Bukittinggi in April/June 2011, however this was rejected by the Council due to the impending amalgamation.

As such it is requested that the City of Greater Geraldton confirms its commitment to the development of a relationship with the City of Bukittinggi and that this visit be held in August or September 2013 with the attendees being the Mayor and Cr Gabelish as Chairman of the International Relations Development Advisory Committee.

COMMUNITY CONSULTATION:

There has been no consultation with the community on this matter.

COUNCILLOR CONSULTATION:

There has been no consultation with Councillors on this matter.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

The relevant Council policy for this item is the current policy CP024 Establishing International Relations.

FINANCIAL AND BUDGET IMPLICATIONS:

\$10,000 has been allocated in the 2013/14 budget to progress relationships with Indonesia. The cost of the trip is estimated at \$2,500 per delegate.

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

Goal 2:	Opportunities for Prosperity.
Outcome 2.1:	A diverse sustainable, economic and employment base.
Strategy 2.1.1:	Support industry and business attraction activities and marketing nationally and internationally.
Strategy 2.2.2:	Promote tourism and investment opportunities including cultural tourism.
Outcome 2.3:	Greater Geraldton as a major regional centre.
Strategy 2.3.3:	Increase the national and international profile of Greater Geraldton through partnerships with Government, industry and international municipalities.

Regional Outcomes:

As the region's commercial, administrative and cultural hub, Geraldton plays an important role in creating and adding value to a sustainable local economy. Identifying strategic partners through International alliances will ultimately lead to investment opportunities and partnerships throughout the Mid West region.

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

Dialogue and development of formal relationships between the City of Greater Geraldton and international cities, such as Bukittinggi in Indonesia will enable economic development initiatives to be explored which may provide benefits to business, government and the local economy and community. As per the goals and objectives of Sister City relationships, such relationship will:

- Support the City of Greater Geraldton's strategic priorities;
- Expand the City's network of business contact and relationships; and
- Promote the Mid West region as an attractive tourist destination.

Social:

Dialogue and development of formal relationships between the City of Greater Geraldton and international cities, such as Bukittinggi in Indonesia is for international cooperation and increased global awareness of the City of Greater Geraldton and the proposed cities. As per the goals and objectives of Sister City relationships, such relationships will:

- Support international education and cooperation; and
- Increase global awareness of the City of Greater Geraldton and the Mid West region.

Environmental:

There are no environmental issues associated with this item.

Culture & Heritage:

There are no culture & heritage issues associated with this item.

RELEVANT PRECEDENTS:

There is no precedent.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DECLINE the commitment to an international relationship with the City of Bukittinggi; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. CONFIRM its commitment to an international relationship with the City of Bukittinggi;
2. DEFER the proposed visit to Bukittinggi in August or September 2013; and
3. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The Geraldton-Greenough Council resolved to progress negotiations with Bukittinggi with a view to developing a formal relationship in February 2011. It would be appropriate for the City of Greater Geraldton to confirm this intention and approve a visit by the Mayor and Cr Gabelish in August/September 2013.

It should be noted that further delay of the visit may directly impact on the development of the City's relationship with Bukittinggi, Indonesia.

EXECUTIVE RECOMMENDATION:

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

1. PROGRESS negotiations with the City of Bukittinggi with a view to developing a formal relationship with the City; and
2. GIVE APPROVAL for Mayor Carpenter and Cr Gabelish to visit the City of Bukittinggi in Indonesia in August or September 2013.

OP0044 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

AGENDA REFERENCE:	D-13-33279		
AUTHOR:	C Wood,	Director	Organisational
	Performance		
EXECUTIVE:	C Wood,	Director	Organisational
	Performance		
DATE OF REPORT:	7 May 2013		
FILE REFERENCE:	SM/1/0001		
APPLICANT / PROPONENT:	City of Greater Geraldton		
ATTACHMENTS:	Yes		

SUMMARY:

The purpose of this report is to seek Council's adoption of the delegation register for the Chief Executive Officer (CEO).

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Section 5.42 of the Local Government Act 1995 provides for Council to delegate some of its powers to the CEO. Further to this, the City is required by section 5.46 (2) to conduct a review of the register of delegations made to the CEO on an annual basis.

As Council has recently appointed a new CEO, whose official tenure commences on the 3 June 2013, it presents an opportunity to fully review the delegations to the CEO. Over the last two years the City has been improving its processes in this regard and the delegation register presented to Council is comprehensive, compliant and transparent. The City has sought advice from its solicitors in the development of this register and utilised also the Department Guidelines No. 17 relating to delegations.

There are no major variations to the previous register however this register gives the CEO certainty over what he is able to approve and action. Of significance in this register is the delegation to the CEO to appoint authorised officers which covers a lot of the general authorisations which were previously put to Council for endorsement

There is a new delegation in the register which relates to the variation of contracts after the awarding of a contract.

The variation after awarding the contract allows the CEO to approve variations necessary to achieve the outcome of the scope of the project and within the adopted budget of the project.

COMMUNITY CONSULTATION:

There has been no community consultation in this matter.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation in this matter.

STATUTORY 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 imposes limitations on delegations to the CEO as follows:

1. *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 to in section 9.5;*
 - h. *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
 - i. *any power or duty that requires the approval of the Minister or the Governor; and*
 - j. *such other powers or duties as may be prescribed.*

POLICY IMPLICATIONS:

There are no policy implications with this matter.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications with this matter.

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

Goal 5:	Inclusive Civic and Community Engagement and Leadership
Outcome 5.2:	Planning and Policy
Strategy 5.2.7:	Ensuring Efficient and Effective Delivery of Service

Regional Outcomes:

There are no regional outcomes from this matter.

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

There are no economic issues associated with this matter.

Social:

There are no social outcomes associated with this matter.

Environmental:

There are not environmental issues associated with this matter.

Cultural & Heritage:

There are no cultural and heritage issues associated with this matter.

RELEVANT PRECEDENTS:

The Local Government Act requires a register of delegations to the CEO.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Absolute Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER the adoption of the register of Delegations to the CEO; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 3:

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

1. NOT ADOPT the register of Delegations to the CEO; and
2. MAKES the determination based on the following reason:
 - a. to be determined by Council.

CONCLUSION:

Delegations to the CEO allow the business of the City to progress in a timely and efficient manner. The register of delegations to the CEO provides clarity of what is permissible in this role.

EXECUTIVE RECOMMENDATION:

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

1. ADOPT the register of delegations to the Chief Executive Officer as provided in the attachment.

OP0046 REQUEST FOR SPONSORSHIP – CHINA/AUSTRALIA BASKETBALL SERIES.

AGENDA REFERENCE:	D-13-36236
AUTHOR:	R Smallwood, Manager Economic Development Innovation & Technology
EXECUTIVE:	C Wood, Director Organisational Performance
DATE OF REPORT:	22 May 2013
FILE REFERENCE:	ED/2/0003
APPLICANT / PROPONENT:	Darren Lee, Market Creations
ATTACHMENTS:	No

SUMMARY:

This report seeks Council's approval for sponsorship for the National Basketball – China/Australia Series luncheon and the attendance at the luncheon by the Mayor and Cr Gabelish.

PROponent:

The proponent is Darren Lee of Market Creations acting as a member of the Australia China Business Council.

BACKGROUND:

The 2013 International Basketball Series between Australia and China takes place over four games with games one and two hosted in Perth on the 7th and 9th June and games three and four hosted in China on the 12th and 14th June.

The City has received a request by the Australia China Business Council and Basketball Australia for sponsorship for the National Basketball – China/Australia 2013-2016 series luncheon. The sponsorship requested is \$4,000 and the City would be lead sponsor and receive branding rights and promotional opportunities. The luncheon will be held on Tuesday 4th June and will provide an opportunity for the City to showcase the Greater Geraldton region.

Further, the City would be provided with future opportunities for sponsorship rights to support the bid to bring the National Basketball – China/Australia 2013-16 Series to the City of Greater Geraldton, further enhancing Geraldton's visibility to national and international audiences. Hosting of the National Basketball – China/Australia 2013-16 Series in Geraldton would expose Geraldton to an audience of millions of viewers in China as well as large audiences across all of Australia.

At the time of this writing other sponsors include Geraldton Basketball Association, Durack Institute of Technology, Geraldton Grammar School, Geraldton Port Authority and Market Creations.

The sponsorship of \$4,000 provides for 8 guests to attend. The concept forum will be held on Tuesday 4th June and as the flights for returning to Geraldton are due in at 5.35pm it is proposed that the Mayor and Cr Gabelish attend. The balance of guest positions available would be offered to other

community organisations. Examples could include the Mid-West Chamber of Commerce; Mid-West Development Commission or the Mid-West Sports Academy.

COMMUNITY CONSULTATION:

There has been no consultation with the community on this matter.

COUNCILLOR CONSULTATION:

There has been no consultation with Councillors on this matter.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The amount requested is \$4,000 and it is anticipated that these funds would be sourced from the Mayor's discretionary fund which has a balance of \$33,000. Funding for flights and incidentals, where applicable, will be sourced from operational travel budgets.

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

Goal 5:	Governance.
Outcome 5.3:	Advocacy and Partnerships.
Strategy 5.3.2:	Partnership with key international communities through Sister City partnerships and Strategic Alliances.

Regional Outcomes:

Identifying appropriate sponsorship alliances can ultimately lead to the attraction of new industries and investors throughout the Mid West region.

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

Higher visibility for Geraldton on the national and international stage can raise awareness of the opportunities available for investors in the Mid West region.

Social:

Social engagement in the form of attraction of new events to the Mid West will bring new opportunities for the City to engage with outside regions, increase interaction with new groups and new audiences and bring with it the potential of demonstrating to outside markets the attractiveness of Geraldton as an attractive place to live, to work and to prosper.

Environmental:

There are no environmental issues associated with this item.

Culture & Heritage:

International competitions with overseas teams will foster an increase in cultural exchange and cultural interaction.

RELEVANT PRECEDENTS:

There is no precedent.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:**Option 1:**

As per the Executive Recommendation in this report.

Option 2:

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

1. DECLINE sponsorship for the National Basketball – China/Australia Series luncheon; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. PROVIDE sponsorship for the National Basketball – China/Australia Series luncheon to \$.....;
2. APPROVE the attendance at the luncheon of Mayor Carpenter and Cr Gabelish; and
3. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Through Australia China Business Council, the City has the opportunity to be involved with the upcoming Australia/China International Basketball series. Support from the City this year will assist in securing an Australia/China game in Geraldton in 2014 which will be a rare opportunity for the community to directly interact with international level world-class sporting teams.

EXECUTIVE RECOMMENDATION:

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

1. PROVIDE \$4,000 in sponsorship for the National Basketball – China/Australia Series luncheon;
2. SOURCE the funding for this sponsorship from the Mayor's Discretionary Fund; and
3. APPROVE the attendance at the luncheon of Mayor Carpenter and Cr Gabelish.

TF060	ST JOHN OF GOD OUTREACH SERVICES REQUEST FOR RATES EXEMPTION
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AGENDA REFERENCE:	D-13-31139
AUTHOR:	K Chua, Manager Financial Services
EXECUTIVE:	B Davis, Director of Treasury and Finance
DATE OF REPORT:	30 April 2013
FILE REFERENCE:	A11011
APPLICANT/PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

St John of God Outreach Services have requested that the leased property at 164 Gregory St, Beachlands, currently used for long term accommodation for homeless youth, be classed as 'non-rateable' and therefore exempt from rates under 6.26(2)(g) of the Local Government Act 1995.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

St John of God Outreach Services, an entity within St John of God Health Care Inc., is a public benevolent corporation with an issued tax exemption from the Australian Taxation Office. It leases a house from the Department of Housing at peppercorn rent which is used to house up to five (5) homeless youth aged 16 and 22 years at any one time. St John provides long term safe accommodation, meals, emotional and psychological support through a full time caregiver and clinical psychologist for these disadvantaged youths. The youths can stay as long as they need to or until such time when they have acquired the necessary independent living skills to manage their own private rental, or until they have been reconciled with their family, if it is safe and appropriate to do so.

The house has been operational since 13 July 2006 and is entirely funded by St John of God Outreach Services Inc. The residents pay a nominal fee of \$95 per week and they are provided meals seven days a week, toiletries and laundry and other support services.

The lease contract in place with the Department of Housing provides that St John of God is responsible for all rates and charges in respect of the premises, including local authority rates, water authority rates, land taxes and others.

St John of God's constitution provides that the company's income must be applied solely towards the company's purposes and that no part of the income or property may be paid, transferred or distributed, directly or indirectly, by way of dividend, bonus, or other profit distribution, to any member or director.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no councillor consultation.

STATUTORY IMPLICATIONS:

Section 6.26 (2) of the Local Government Act 1995 (as amended) outlines what is not rateable land.

- (2) *The following land is not rateable land —*
 - (g) *and used exclusively for charitable purposes;*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Rate revenue has been budgeted in the 2012/13 Budget and the approval of this request will have a small and negligible impact on the total rate income as the foregone rate is \$1,807.39 for this and all future years.

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

- Goal 1: Opportunities for Lifestyle
- Outcome 1.2: A safe, secure and supportive community.
- Strategy 1.2.3: A healthy, progressive and safe community.

Regional Outcomes:

There are no regional outcomes:

Economic:

There are no economic impacts associated with this matter.

Social:

There is a social impact to homeless youths who are in need of long term accommodation and psychological and emotional support.

Environmental:

There are no environmental impacts associated with this matter.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

The Courts and the SAT have held that for a purpose to fall within the technical legal meaning of the term “charitable”, it must be beneficial to the

community, or an appreciable section of the community; (Lemm v Federal Commissioner of Taxation (1942) 66 CLR399)

A purpose will not be a public one if it is merely for the benefit of particular private individuals; it must be for the benefit of the community or an appreciable portion of the community.

The benefit of a charitable purpose need not be for the whole community, it is sufficient that it is for an appreciable section of the public. ATO Taxation Ruling TR 2005/21

Payments for services rendered by a charitable organisation do not necessarily affect the charitable status of the organisation provided any profits are not passed onto individuals or used for non-charitable purposes; (West Australian Baptist Hospital and Homes Trust Inc. v Shire of South Perth (1978) WAR 65).

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. DEFER the request by St John of God Outreach Services Ltd for the property at 164 Gregory St, Beachlands, to be considered as 'non-rateable' and therefore exempt from rates under s 6.26(2)(g) of the Local Government Act 1995; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

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

1. REJECT the request by St John of God Outreach Services Ltd for the property at 164 Gregory St, Beachlands to be considered as 'non-rateable' pursuant under s 6.26(2)(g) of the Local Government Act 1995.
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

There are directly relevant precedents for recognising the particular use of this property to be for a charitable purpose.

EXECUTIVE RECOMMENDATION:

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

1. APPROVE the request by St John of God Outreach Services for the property at 164 Gregory St, Beachlands, to be considered as 'non-rateable' and therefore exempt from rates pursuant to s 6.26(2)(g) of the Local Government Act 1995; and
2. NOTE that the abovementioned property is to be exclusively used for charitable purposes for the classification as 'non-rateable' to be applied.

TF062	TRIENNIAL RECURRENT GRANT ALLOCATIONS
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AGENDA REFERENCE:	D-13- 33243
AUTHOR:	P Radalj, Manager of Treasury
EXECUTIVE:	B Davis, Director of Treasury & Finance
DATE OF REPORT:	7 May 2013
FILE REFERENCE:	GS/1/0009
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

Applications for Round 12 of the Community Grants opened mid February and closed end of March with thirty (30) applications having been received and assessed for the Community Grant Funding and four (4) applications having been received and assessed for Recurrent Community Grant Funding. The total amount of Recurrent Community Grant funding subscribed to was \$113,304 which represents \$395,215 in total project costs.

The Community Grants Advisory Committee convened on the 30th April to review and assess each of the recurrent projects that had been submitted. The Committee recommended to allocate \$201,157 in Community Grant Funding for distribution to twenty two (22) projects and \$73,000 in Recurrent Community Grant Funding for distribution to three (3) projects over the triennial period.

PROponent:

The Proponent is the City of Greater Geraldton.

BACKGROUND:

Council on 28 February 2012 (Item CS049) endorsed and approved a new Community Funding Policy (see attachments). As part of this policy, Council resolved the following:

1. *ENDORSE and APPROVE CP033 Community Funding Policy with an amendment to allow 100% funding of a project with a value of less than \$2000;*
2. *SET the annual Community Grants Funding at 1% of rate revenue;*
3. *SET the triennial allocation for the Recurrent Grants at 1.25% of the budgeted rates revenue to be raised in the initial financial year incorporated within the triennial period;*
4. *ALLOCATE 75% of the budgeted Recurrent Funding in year one of the triennial period, with the remaining 25% being held in the Restricted Grant Reserve for distribution within the triennial period to fund any new applications endorsed by Council;*
5. *SET the annual budget allocation for the Mayoral Discretionary Fund at 0.15% of rate revenue; and*
6. *AMEND the terms of reference of the Community Grants Advisory Committee to incorporate the Recurrent Grant Program as part of their evaluation and recommendation process.*

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION: To allow greater flexibility for smaller projects.

As per the adopted Community Funding Policy, the following principles apply to the allocation of recurrent grant funding:

- a) *Recurrent Grants will be offered once every three years with applications opening at the beginning of the calendar year for commitments for the next triennial period.*
- b) *75% of the budget allocation for the first year will be allocated to projects. The remaining 25% budget allocation will be made available for new applications that arise throughout years 2 and 3.*
- c) *Funding for each project will be capped at \$50,000.*
- d) *The City will fund up to 50% of the total project cost with the remaining 50% being made up of the applicant's own sources and other funding including "in kind" labour and materials.*
- e) *For projects with a total value no greater than \$2,000, the City will consider funding 100% of the project cost.*
- i) *The City will fund up to 75% of the project if the organisation can justify the need for additional funds.*
- f) *Recurrent grants will be split into the five categories which align the City's Strategic Community Plan and the 2029 & Beyond Community Values, Visions & Directions.*
These Categories are:
 - *Cultural & Heritage*
 - *Economic & Tourism*
 - *Environmental*
 - *Social*
 - *Governance*
- g) *The applications for this program will be assessed by the Community Grants Advisory Committee which will make recommendations to Council.*
- h) *Council will consider the recommendations of the Committee at the next available ordinary council meeting after the notification of the Committee's recommendations.*

Council on 26 June 2012 (Item TF001) endorsed and approved the Grants Advisory Committee's recommendation for the per annum distribution of Recurrent Grant Funds for the triennial period commencing 2012-13 and ending 2014-15 to the following projects:

	Group	12/13	13/14	14/15	Total
1	Mid West Sports Federation (Mid West Sports Academy)	32,500	32,500	32,500	97,500
2	Mid West Men's Health	5,744	5,744	5,744	17,232
3	Centacare Family Services	500	500	500	1,500
4	Soldiers, Sailors & Airmen's Trust	2,000	2,000	2,000	6,000
5	Arts & Cultural Development Council of Geraldton	40,000	40,000	40,000	120,000
6	Aidan's Place Inc.	6,636	6,636	6,636	19,908
	Group	12/13	13/14	14/15	Total
7	Geraldton Surf Life Saving Club Inc.	21,000	21,000	21,000	63,000
8	Batavia Coast Replica Boat Association Inc.	3,150	3,150	3,150	9,450

9	Mid West Disaster Relief Inc.	10,000	10,000	10,000	30,000
10	Pollinators Inc.	20,000	20,000	20,000	60,000
11	St John Ambulance (WA) Inc.	1,000	1,000	1,000	3,000
12	Women's Health Resource Centre	15,000	15,000	15,000	45,000
13	Cancer Council WA	4,190	4,190	4,190	12,570
	Group	12/13	13/14	14/15	Total
14	Gay Midwest / Pride Midwest	20,000	20,000	20,000	60,000
15	Chrysalis Support Services	30,000	30,000	30,000	90,000
16	Geraldton Sunshine Festival Inc.	40,000	40,000	40,000	120,000
17	Geraldton Cemetery Board	35,000	35,000	35,000	105,000
18	Geraldton City Band	7,500	7,500	75,00	22,500
		294,220	294,220	294,220	882,660

The Committee assessed each project individually and determined an overall rating on a priority basis (high, medium & low) that also included a plus/minor factor and allocated amounts according to their prioritised rating. Projects with a rating of medium to low did not receive any allocation. The projects recommended under the Recurrent Grants allocation were:

1. Mullewa Muster and Rodeo (allocation \$40,000). An annual event held early June each year with an overall project cost of \$205,000.
2. Bundiyarra Aboriginal Corporation (allocation \$13,000). Assist with the printing and distribution of a monthly newsletter designed to engage the community. Overall annual cost \$37,213.
3. Midwest Multicultural Society (allocation \$20,000). Assistance with Harmony Week celebrations in relation to project management and event costs. Overall project cost \$83,750.

The unsuccessful applicant was Midwest Charity Begins at Home and their request for annual support towards their Gala Dinner.

Policy:

Council moved a decision at the Ordinary Council Meeting 26th March 2013, Item TF049 to review Council Policy CP033 on the basis to amend (item 3(e)) the Mullewa Community Trust component of this policy in relation to the following:

- *CEO has delegated authority to endorse the projects and their funding allocations as recommended by the Mullewa Community Trust Committee, or to make changes, if necessary. Any changes to Committee recommendations are to be referred to Council for consideration.*
 1. *APPROVE the 2013 distribution of funds from the Mullewa Community Reserve as follows:*
 - a). *Pindar Progress Association - \$ 999.00*
 - b). *Mullewa District Agricultural Society \$ 10,756.00*
 - c). *Mullewa Muster and Rodeo \$ 20,000.00*
 - d). *Mullewa Sports Club \$ 4,042.00*
 - e). *Mullewa Tennis Club \$ 1,210.00*

f). *Our Lady of Mount Carmel \$ 10,000.00*

That the community grants policy be brought back to Council for consideration of the delegations applied for the Mullewa Community Trust Component.

In addition, the Community Grants Committee has requested a minor amendment to item 1 (i) in the Policy in relation to Community Grants to read as follows:

*The CEO has delegated authority to endorse the projects and their funding allocations as recommended by the Community Grants Advisory Committee, or to make changes, if necessary. **ADD** Any changes to Committee recommendations are to be referred to Council for consideration.*

The Committee also recommended that the guidelines be altered to reflect the following:

- *Grant Guidelines are to be updated to reflect that charity events with the sole purpose to raise funds for distribution back into the **community** are ineligible for both Recurrent and Community Grants.*

COMMUNITY CONSULTATION:

Not applicable

COUNCILLOR CONSULTATION:

Community funding framework was presented to the February 2012 Council Concept Forum for discussion and subsequent adoption of a new Council policy at the 28 February Council meeting.

STATUTORY IMPLICATIONS:

Not applicable

POLICY IMPLICATIONS:

Council Policy CP033 endorsed and approved 28 February 2012.

FINANCIAL AND BUDGET IMPLICATIONS:

The overall dollar allocation for this triennial period was set at \$381,000 for Recurrent Community Grants. The initial distribution amounted to \$294,220 leaving a further \$86,780 available for allocation. The Committee has recommended a further allocation of \$73,000 that leaves \$13,780 remaining in the recurrent pool.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 3	Opportunities for Creativity.
Outcome 3.2	A community that attracts creative people through nurturing creative industries.

Strategy 3.2.4: Facilitate and support new enterprises and entrepreneurship in the community.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic implications.

Social:

There are no social implications.

Environmental:

There are no environmental implications.

RELEVANT PRECEDENTS:

Council in 2008 allocated funds under the heading of Recurrent Donations for a triennial period. The 2008 allocation did not capture all recurrent community funding support provided by Council.

Under the new policy adopted by Council, this Recurrent Community Grants round represents the initial pilot allocation and there are no relevant precedents in relation to the new policy.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Absolute Majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Absolute Majority Pursuant to Section 6.2 of the Local Government Act 1995 RESOLVES to:

1. NOT ENDORSE or APPROVE Grants Advisory Committee Recommendation for the distribution of recurrent grant funds for the triennial period commencing 2012-13 and ending 2014-15;
2. MAKES the determination to redistribute funds as follows:
 - a. To be determined by council.

Option 3:

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

1. DEFER the Grants Advisory Committee Recommendation for the distribution of recurrent grant funds for the triennial period commencing 2012-13 and ending 2014-15 consideration of this matter; and
2. MAKES the determination to redistribute funds as follows:
 - a. To be determined by Council.

CONCLUSION:

Council endorsement and implementation of CO033 Community Funding Policy was based on providing fair and equitable approach to the distribution of funds to the community, improving management processes and providing outcomes aligned to Council's strategic and community plans.

The Grants Advisory Committee applied the principles of the policy in the prioritisation and assessment of projects.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority Pursuant to Section 6.2 of the Local Government Act 1995 RESOLVES to:

1. ENDORSE and APPROVE the Grants Advisory Committee recommendation for the per annum distribution of recurrent grant funds for the triennial period commencing 2012-13 and ending 2014-15 to the following projects:

	Group	12/13	13/14	14/15	Total
	Previous Allocated Projects (x18)	294,220	294,220	294,220	882,600
19	Mullewa Muster & Rodeo	40,000	40,000	40,000	120,000
20	Aboriginal Community Aboriginal Corporation	13,000	13,000	13,000	39,000
21	Midwest Multicultural Association		20,000	20,000	40,000
		347,220	367,220	367,220	1,081,600

2. ENDORSE and APPROVE amendments made to CP033 Community Funding regarding the Community Grants Policy Principles as follows:
 - Item 1 (i) The CEO has delegated authority to endorse the projects and their funding allocations as recommended by the Community Grants Advisory Committee, or to make changes, if necessary. Any changes to Committee recommendations are to be referred to Council for consideration.
3. ENDORSE and APPROVE amendments made to CP033 Community Funding regarding the Mullewa Community Trust Policy Principles as follows:

Item 3 (e) DELETE Council will consider the recommendations of the committee at the next available ordinary council meeting after notification of the Committee's recommendations. And REPLACE it with The CEO has delegated authority to endorse the projects and their funding allocations as recommended by the Mullewa Community Trust Committee, or to make changes, if necessary. Any changes to Committee recommendations are to be referred to Council for consideration.

CI044	FLORES/PLACE ROAD INTERSECTION APPROPRIATION OF FUNDS AND CONTRACT VARIATIONS.
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AGENDA REFERENCE:	D-13-26599		
AUTHOR:	N Arbutnot,	Director	Community
	Infrastructure		
EXECUTIVE:	N Arbutnot,	Director	Community
	Infrastructure		
DATE OF REPORT:	18 April 2013		
FILE REFERENCE:	PM/4/0014		
APPLICANT / PROPONENT:	City of Greater Geraldton		
ATTACHMENTS:	Yes (1 x Confidential)		

SUMMARY:

This report is seeking additional appropriation of funds in the current financial year for the Flores Road/Place Road Intersection project and to approve variations to contract RFT 40 - 1011 as approved by Council at the Council meeting held on 20 December 2011.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Flores Road Place Road Intersection works were completed in February 2013 following an extended design and development period of 4 years. The project has been funded through allocations from MRWA, Midwest Development Commission and Council. Over this period a number of briefings and reports have been provided to Council relating to the project.

General

The construction estimate for the project was \$4,500,000 as set out in Item CI009 Place and Flores Road Intersection Upgrade dated 15 December 2011 Agenda Reference D-11-28017. The funds available at the time of presenting the report was \$1,680,000 funded by MRWA through the Regional Road Group, Black Spot and Roads to Recovery totalling \$1,190,000 with a matching contribution from the City of \$490,000. Available funds from the above sources equalled \$1,680,000.

Expenditure at the date of preparing the above report to Council was \$340,000 for preliminary and detailed designs.

An application was lodged with the Midwest Development Commission on the 17 August 2011 for the shortfall in funding of \$2,820,000. The application was successful and the shortfall in the construction estimate was ultimately covered through the funding provided.

On 20 December 2011 Council resolved to award the contract for the Flores/Place Road construction to Northcoast Holdings Pty (now known as WBHO Civil Pty. Ltd. following transfer of ownership of the company) as follows:

1. *DELEGATE authority to the CEO to enter into a contract with the Northcoast Holdings Pty on behalf of Council for the construction of the Place Road and Flores Road intersection, subject to:*
 - a. *Confirmation of funds to complete the project through the Mid-West Regional Infrastructure Fund;*
 - b. *Any escalation in price due to elapsed time from calling of tenders is in accordance with industry movements in materials, labour and plant price indices for the region; and*
2. *RECORD the tendered amount in the minutes being \$3,256,511.00.*

The recorded tendered amount set out in the resolution is an initial amount tendered in May 2011 where tender prices varied from \$3,260,000 to \$6,340,000. Northcoast Holdings at the time of tendering provided the amount as a lump sum without a breakdown of the scheduled items. Tenders were based on the original design prepared by various consultants which when assessed by the present engineering and project management teams were found to be deficient and required redesign work which was subsequently undertaken internally.

Subsequent to this, on 11 June 2012, the CEO exercised the delegation for the escalation of prices to a value of \$4,816,188 (including GST). This amount was reached following a lengthy negotiation period with the Contractor where the value of the contract was reduced to the above amount from in excess of \$6,000,000.

A contract was entered into with WBHO Civil Pty. Ltd. dated 14 June 2012 for an amount of \$4,820,000 (including GST).

Project Variations

The project, during construction, experienced delays of 13 weeks and cost increases due to over ninety variations caused by trunk utility service relocations, pavement and drainage reconfiguration to avoid conflicts with gas and telecommunication services, quantity changes throughout the construction program as a result of the redesign of the intersection profile and work undertaken on behalf of the Water Corporation as part of the Corporation's forward works program. The variations total a net \$794,000 over and above the contract amount taking into account the positive and negative variations.

Work undertaken on behalf of the Water Corporation as part of the Water Corporation's forward works program form a significant component of the net contract variations. The City is currently negotiating the amount payable by the Water Corporation to the City for the additional works. This amount will reduce Council's contribution to the project (refer to confidential attachment for details). The net result is an overall increase in the funding required for the project of \$124,000 taking into consideration the contribution from the Water Corporation, disputed contractor claims and project variations as set out in the confidential attachment. The additional amount of \$124,000 required can be funded through a movement of \$124,000 from the City's contribution for Allen Street which will not be required for the current financial year. Designs and estimates are being prepared with funding for construction considered for the 2013/14.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

There are no statutory implications

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL AND BUDGET IMPLICATIONS:

The budget details and financial implications are shown in the confidential attachment.

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

Goal 4	Opportunities for Sustainability
Outcome 4.2	Improved Transport and Accessibility
Strategy 4.2.2	Improve out network of urban, rural and regional roads, cycleways, trails and paths.

Regional Outcomes:

There are no regional Impacts.

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

There are no economic issues.

Social:

There are no social impacts.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority applicable for appropriation of extra funds or the approval of variations.

VOTING REQUIREMENTS:

An Absolute Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. NOT APPROVE the appropriation of \$124,000 of further funds from Allen Street construction, as set out in the confidential attachment, to meet the shortfall of funds for the construction of Flores and Place Road Intersection;
2. NOT APPROVE the variations to the contract for this project; and
3. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Flores and Place Road Intersection presented significant challenges during the construction phase due to unforeseen and unknown utility services location requiring several changes and further redesign to elements of the project escalating costs and extending the construction program.

The final construction contract cost excluding the additional forward works undertaken on behalf of the Water Corporation is \$4,842,111 excluding GST this represents an 11% increase in the contract amount over the original contract amount of \$4,378,652. The final contract amount is in excess of \$1,200,000 below the starting pre-contract negotiations amount.

The net impact of the variations has increased the contract amount to above the delegated authority of the CEO to negotiate and enter into the Contract. Additional appropriation of funds of \$124,000 as set out in the confidential attachment is required to meet the project construction shortfall.

Should Council determine to take no action as set out in option 2 there could be significant contractual and financial risks to the City.

EXECUTIVE RECOMMENDATION:

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

1. AUTHORISE the appropriation of additional funds of \$124,000, to be taken from Allen Street construction in accordance with the confidential attachment, to Flores and Place Road Intersection;
2. APPROVE the payment of contract variations to WHBO Civil Pty. Ltd. for a net amount \$794,000 including cost recoverable works undertaken for the Water Corporation; and

3. REFER Allen Street construction for consideration in the 2013/14 capital works budget.

CI045	RFT29 1213 - CONSTRUCTION OF CELL 3 AT MERU WASTE DISPOSAL FACILITY
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AGENDA REFERENCE:	D-13-32755
AUTHOR:	J Hodge, Acting Waste Coordinator Regional Waste & Energy
EXECUTIVE:	N Arbutnot, Director Community Infrastructure
DATE OF REPORT:	7 May 2013
FILE REFERENCE:	WM/4/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - Confidential

SUMMARY:

The objective of this report is to seek approval to defer construction of Cell 3, to not award a contract for RFT 1213 – Construction of Cell 3 at the Meru Waste Disposal Facility and pursue options of a redesign which would result in construction cost savings and generate increased revenue through extension of Cell 3 life expectancy.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

An application for Works Approval to construct the next putrescible waste cell at Meru Waste Disposal Facility was submitted to Department of Environment & Conservation (DEC) on 21 March 2012. Works Approval was received 11 January 2013 following significant delays to remove Ministerial Conditions impeding DEC from issuing approval for works.

Request for Tender (RFT) 29 1213 was advertised in December 2012, pre-empting receipt of Works Approval and closing on 18 January 2013. Two tender submissions were received, both from local companies, and have been assessed by a tender evaluation panel. Both tenders were compliant and addressed the required criteria.

During the tender review process, both tenderers raised concerns regarding the increased risk, in relation to safety and finances, associated with the construction timeframe coinciding with Geraldton's winter period. The design engineer has since confirmed that works involving Meru's red limestone sand, synthetic and synthetic clay liners cannot be carried out during periods of inclement weather.

Further to this, officers have identified a possible redesign which, if proven to be viable, would present considerable cost savings. If the existing 1:1.2 batters were utilised rather than importing material to backfill to create the 1:3 batters as designed, the quantity of imported fill would reduce equating to savings in construction and increased landfill space, ultimately extending the life expectancy of Cell 3.

Geotechnical investigations to assess the stability of steeper batters are being undertaken along with amendments to the design, Bill of Quantities, Works' Approval and other changes to dependent/linked activities or actions. Following completion of those investigations and additional modelling to ensure the design option is safe to adopt and presents a value for money alternative, detailed designed will proceed. Results of investigations would not be available until approximately late May 2013.

Delays in construction are dependent upon remaining life of the existing putrescible waste cell, Cell 2. Through airspace modelling, Bowman & Associates have identified that the top of waste height will require to be raised to 43.0 m AHD to compensate for delays in construction. The amended excavation & fill plan has been submitted to DEC to raise the final height of all waste cells. This will result in the need for an amended Works Approval for Cell 3 as the Fill & Excavation Plan was submitted as a reference document in the original submission.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Compliance with Section 3.57 (1) of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Division 2 – Tenders for providing goods or services.

Compliance with Section 20 of Local Government (Functions and General) Regulations 1996, Variation of requirements before entry into contract.

POLICY IMPLICATIONS:

There are no Policy Implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Funds have been allocated to the 2012/2013 financial year. Delays would move construction to 2013/2014 financial year budget.

The degree of budget expenditure savings and additional cell life (revenue) created by the proposed redesign will be determined following completion of investigation.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Key Result Area 12.4 Opportunities for Sustainability

Outcome 4.4: Infrastructure that meets Community Growth Needs and Aspirations

Strategy 4.4.2 Facilitate and Advocate for the Development of Essential Utility Infrastructure and Services such as Power, Water, Sewerage, Gas and Communications to meet Growth Needs.

Regional Outcomes:

The re-design will not directly impact on surrounding local governments, residential, commercial & mining sectors that currently utilise the Meru Waste Disposal Facility.

Construction of Cell 3 is essential to provide continued waste disposal services for City of Greater Geraldton, surrounding local governments, residential, commercial & mining sectors.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Potential to provide cost savings and additional revenue produced from capital investment.

Social:

No Social issues associated with retendering the project have been identified.

Environmental:

Concerns relating to the additional leachate produced as a result of increasing the final height of waste to 43.0 m AHD of existing cells has been considered, and is unlikely to create any impact on current management techniques.

Measures to control windblown litter would be implemented as the height of the existing waste cell increases.

No additional environmental impacts have been identified.

Cultural & Heritage:

No cultural and heritage impacts have been identified.

RELEVANT PRECEDENTS:

No relevant precedent has been identified.

DELEGATED AUTHORITY:

No delegated authority is related to this proposal.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

1. POSTPONE construction to August / September 2013.
 - a. Request an extension of price validity from existing tenderers.
2. PROCEED with current design.
3. PREPARE a recommendation to Council from evaluation of existing tender submissions.

Option 3:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

1. PROCEED with current design.
2. PREPARE a recommendation to Council from evaluation of existing tender submissions.

CONCLUSION:

The delay in obtaining the Works Approval has coincided with Geraldton's wet winter period. However, the construction of Cell 3 is a high priority to ensure the continuation of essential waste disposal services for the City and surrounding local government, residential, commercial and mining sectors.

The safety and financial risks raised by the two tenderers has been confirmed as a valid concern due to the soil composition and volatility of the synthetic liner materials being laid in inclement weather.

It would be beneficial to utilise time to fine tune the design of the cell in order to take advantage of any potential cost savings in construction, along with creating additional waste receival space time simultaneously.

A consequence of redesign is to reject all tenders received.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to section 3.57 the Local Government Act 1995 RESOLVES to:

1. REJECT all tenders for RFT29 1213 - Construction Of Cell 3 At Meru Waste Disposal Facility;
2. RETENDER at a future stage; and
3. ADVISE all tenderers accordingly.

CI046	RFT52 1213 - SUPPLY OF UNDERGROUND STORAGE AND INFILTRATION COMPONENTS FOR THE STORM WATER HARVESTING PROJECT
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AGENDA REFERENCE:	D-13-32759
AUTHOR:	G Burton, Project Coordinator
EXECUTIVE:	N Arbuthnot, Director of Community Infrastructure
DATE OF REPORT:	19 March 2013
FILE REFERENCE:	SD/4/0005
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes - confidential

SUMMARY:

The objective for this report is to seek Council approval to not accept any tender or award a contract for RFT 52 1213 supply of underground storage and infiltration components for the Stormwater Harvesting Project and to refer the project to the ten year capital works program for consideration, subject to availability of funding, in years five to ten of the program.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The detailed designs for the Olive Street and CBD/Maitland Park stormwater harvesting projects identified the need to procure underground distribution / infiltration components to complete the construction of the stormwater harvesting infrastructure relating to these two projects. The supply was broken into two separable portions being:

1. Olive Street - Supply of 560 units of Stormtech MC3500 mega chambers and associated components, or equivalent product (3000kL stormwater storage).
2. CBD - Supply of 320 units of Stormtech SC 740 mega chambers and associated components, or equivalent product (stormwater Infiltration).

COMMUNITY CONSULTATION:

There was no community consultation.

COUNCILLOR CONSULTATION:

Councillors were briefed on the project at the May Concept Forum.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The Stormwater Harvesting and Aquifer Recharge Project is co funded by the City of Greater Geraldton and SEWPaC (Department of Sustainability, Environment, Water, Population and Communities).

The total funding for the five components of the Stormwater Harvesting Project is \$6,000,00 being \$3,000,000 from CoGG and \$3,000,000 SEWPaC of which the supply of underground storage and infiltration infrastructure is one component.

To award a contract and proceed with the procurement of the distribution components would serve no practical purpose unless both Olive Street and the CBD Retrofit components of the project proceeded as the distribution cells are an integral part both the Olive Street and CBD designs.

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

- | | |
|-----------------|---|
| Goal 4: | Opportunity's for Sustainability. |
| Outcome 4.3: | Environmental Sustainability. |
| Strategy 4.3.4: | Advocate and apply sustainable water and energy management. |

Regional Outcomes:

The City is taking positive steps towards becoming a climate-resilient, water-sensitive City. The project will contribute significantly to this process, and support the emergence of the City of Greater Geraldton as a leading West Australian community, utilising limited water supplies in a changing climate while driving regional economic development.

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

Reduction in the volume of scheme water being used to reticulate public open space (POS), resulting in a cost saving to the City and more efficient use of limited resources.

Social:

Provision of quality turf, gardens and playing fields and diversion of stormwater previously discharging to the ocean drainage outfalls provides positive outcomes for the community.

Environmental:

Environmental sustainability by sourcing water from alternative sources, to supplement the supply of irrigation water for public open space areas.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

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

CONCLUSION:

Based on the outcome of the market testing/procurement process through open advertising for competitive tenders for the various components of the Stormwater Harvesting Project including the supply of the distribution cells given the shortfall in funding for the total Stormwater Harvesting Project it is recommended that Council not proceed to accept any tender received and not to award a contract due to the additional funding required to complete the project.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to section 3.57 the Local Government Act 1995 RESOLVES to:

1. NOT AWARD a contract for RFT 52 1213 – Supply and Delivery of Stormwater Distribution Cells due to the overall cost of completing the Stormwater Harvesting Project exceeding the available funds;
2. CONSIDER the project in the City's long term capital works program subject to the project receiving matching funds from State and /or Federal Government; and
3. ADVISE the State Department of Water and Federal Department of Sustainability, Environment, Water, Population and Communities of the Council decision.

CI047	RFT53	1213	-	CONSTRUCTION OF STORMWATER HARVESTING INFRASTRUCTURE IN CBD/MAITLAND PARK
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AGENDA REFERENCE:	D-13-32734
AUTHOR:	G Burton, Project Coordinator
EXECUTIVE:	N Arbuthnot, Director of Community Infrastructure
DATE OF REPORT:	5 April 2013
FILE REFERENCE:	SD/4/0005
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (confidential)

SUMMARY:

The objective for this report is to seek Council approval to not accept any tender or award a contract for RFT 53 1213 CBD/Maitland Stormwater Retrofit and to refer the project to the ten year capital works program for consideration, subject to availability of funding, in years one and two (2013/14 and 2014/15) of the program.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The existing drainage system in the Durlacher Street catchment, incorporating the CBD and a defined portion of the surrounding area, discharges stormwater runoff from an area of approximately 78 hectares directly into the Indian Ocean via a piped drainage system.

Adjacent to or near the drainage system are a number of recreational parks and schools currently irrigated by either scheme water, groundwater or a combination of both depending on localised groundwater salinity levels and availability.

The retrofit design for the Durlacher Street stormwater catchment system was developed using principles of Water Sensitive Urban Design to minimise any discharge to the ocean and maximise recharge to the local superficial aquifer.

COMMUNITY CONSULTATION:

The QEII seniors centre and St Francis Xavier Primary School have been informed that proposed construction works could impact on traffic movement and parking in the Maitland Street and Durlacher Street areas .

COUNCILLOR CONSULTATION:

Councillors were briefed on the project at the May Concept Forum.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The Stormwater Harvesting and Aquifer Recharge Project is co funded by the City of Greater Geraldton and SEWPaC (Department of Sustainability, Environment, Water, Population and Communities).

The total funding for the five components of the Stormwater Harvesting Project is \$6,000,00 being \$3,000,000 from CoGG and \$3,000,000 SEWPaC of which the construction of stormwater harvesting in CBD/Maitland Park is one component.

To award a contract and proceed with the project construction would cost \$2,391,612.30. The budget allowed for this component of the project is \$1,935,089 and based on the outcome of the tenders received for the remaining components of the total project no additional funds from the funding pool of \$6m are available to appropriate to this separable portion of the overall project.

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

- Goal 4: Opportunity's for Sustainability.
- Outcome 4.3: Environmental Sustainability.
- Strategy 4.3.4: Advocate and apply sustainable water and energy management.

Regional Outcomes:

The City is taking positive steps towards becoming a climate-resilient, water-sensitive City. The project will contribute significantly to this process, and support the emergence of the City of Greater Geraldton as a leading West Australian community, utilising limited water supplies in a changing climate while driving regional economic development.

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

Reduction in the volume of scheme water being used to reticulate POS, resulting in a cost saving to the City and more efficient use of limited resources.

Social:

Provision of quality turf, gardens and playing fields for Maitland Park and diversion of stormwater previously unable to discharge freely through the ocean drainage outfalls during periods of heavy rainfall, high tides and storm surges.

Environmental:

Environmental sustainability by sourcing water from alternative sources, to supplement the supply of irrigation water for public open space areas.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to section 3.57 the Local Government Act 1995 RESOLVES to:

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

CONCLUSION:

Based on the outcome of the market testing / procurement process through open advertising for competitive tenders to undertake the works and the available funds for this component of the total Stormwater Harvesting Project it is recommended that Council not proceed to accept any tender received and not to award a contract due to the additional funding required to complete this component of the project.

The Durlacher Street catchment contributes to the stormwater discharging to the ocean outfall adjacent to the Dome Restaurant. Diversion of water from the catchment to discharge in Maitland Park would provide a twofold benefit to the community by supplementing existing water used for irrigation at Maitland Park and relieving the CBD stormwater system of approximately 405 of the current discharge from the catchment.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

1. NOT AWARD a contract for RFT 53 1213 – CBD / Maitland Stormwater Retrofit due to the cost of the works exceeding the available funds.
2. CONSIDER the project in 2013/14 and 2014/15 of the City's long term capital works program subject to the project receiving matching funds from State and /or Federal Government.
3. ADVISE the State Department of Water and Federal Department of Sustainability, Environment, Water, Population and Communities of the Council decision.

CI048	RFT54 1213 – CONSTRUCTION OF STORMWATER HARVESTING INFRASTRUCTURE FOR THE GERALDTON CENTRAL 1 SUMP NETWORK
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AGENDA REFERENCE:	D-13-32941
AUTHOR:	G Burton, Project Coordinator
EXECUTIVE:	N Arbuthnot, Director of Community Infrastructure
DATE OF REPORT:	5 April 2013
FILE REFERENCE:	SD/4/0005
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (confidential)

SUMMARY:

The objective for this report is to seek Council approval to not accept any tender or award a contract for RFT 541213 Construction of Stormwater Harvesting Infrastructure for the Geraldton Central 1 Sump Network and to refer the project to the ten year capital works program for consideration in year's five to ten of the program.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The sump retrofit design involves the rehabilitation of existing sumps at Kelly Street and Waldeck Street, and the establishment of infrastructure for the extraction and distribution of the low salinity groundwater resource to supplement existing scheme water irrigation demands for the open space area surrounding the HMAS Sydney Memorial.

Detailed designs of the Aquifer recharge/Sump retrofits share the common principles of:

- Enhancement and management of stormwater recharge through appropriate retrofitting and modifications of existing sumps.
- Subsequent abstraction of stormwater in summer months using abstraction rates, abstraction volumes and methods cognisant of the specific site conditions.
- Transfer of abstracted water by pipeline to nearby irrigation demands, with volumes achieved through the combination of abstraction from multiple sumps.

COMMUNITY CONSULTATION:

There was no community consultation in relation to the Tenders received for the works as set out in the project scope of works.

COUNCILLOR CONSULTATION:

Councillors were briefed on the project at the May Concept Forum.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The Stormwater Harvesting and Aquifer Recharge Project is co funded by the City of Greater Geraldton and SEWPaC (Department of Sustainability, Environment, Water, Population and Communities).

The total funding for the five components of the Stormwater Harvesting Project is \$6,000,00 being \$3,000,000 from CoGG and \$3,000,000 SEWPaC of which the construction of stormwater harvesting for the Geraldton central 1 sump network is one component.

To award a contract and proceed with the project construction would cost \$657,872. The budget allowed for this component of the project is \$280,000 and based on the outcome of the tenders received for the remaining components of the total project no additional funds from the funding pool of \$6,000,000 are available to appropriate to this separable portion of the overall project.

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

- Goal 4: Opportunity's for Sustainability.
- Outcome 4.3: Environmental Sustainability.
- Strategy 4.3.4: Advocate and apply sustainable water and energy management.

Regional Outcomes:

The City is taking positive steps towards becoming a climate-resilient, water-sensitive City. The project will contribute significantly to this process, and support the emergence of the City of Greater Geraldton as a leading West Australian community, utilising limited water supplies in a changing climate while driving regional economic development.

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

Reduction in the volume of scheme water being used to reticulate POS, resulting in a cost saving to the City and more efficient use of limited resources.

Social:

Provision of public open space in association with the Sydney Memorial.

Environmental:

Environmental sustainability by sourcing water from alternative sources, to supplement the supply of irrigation water for the Sydney Memorial.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

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

CONCLUSION:

Based on the outcome of the market testing / procurement process through open advertising for competitive tenders to undertake the works and the available funds for this component of the total Stormwater Harvesting Project it is recommended that Council not proceed to award a contract due to the additional funding required to complete this component of the project.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

1. NOT AWARD a contract for RFT 54 1213 – Central 1 – Sump Network due to the cost of the works exceeding the available funds.
2. CONSIDER the project in the City's long term capital works program subject to the project receiving matching funds from State and/or Federal Government.
3. ADVISE the State Department of Water and Federal Department of Sustainability, Environment, Water, Population and Communities of the Council decision.

CI049	RFT55 1213 – CONSTRUCTION OF STORM WATER HARVESTING INFRASTRUCTURE IN THE WEBBERTON/SPALDING SUMP NETWORK
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AGENDA REFERENCE:	D-13-32948
AUTHOR:	G Burton, Project Coordinator
EXECUTIVE:	N Arbuthnot, Director of Community Infrastructure
DATE OF REPORT:	7 April 2013
FILE REFERENCE:	SD/4/0005
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (confidential)

SUMMARY:

The objective for this report is to seek Council approval to not award the tender and to refer the project to the ten year capital works program for consideration in year's five to ten of the program.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Tenders were called for the various components (separable portions) of the Stormwater Harvesting Project following completion of the detailed design and documentation. The sump retrofit separable portion involves the rehabilitation of three existing sumps in the Spalding – Webberton sump network and the establishment of infrastructure for the extraction and distribution of the low salinity groundwater resource to nearby irrigation demands, primarily for Eadon Clark sporting complex.

Detailed designs of the Aquifer recharge / Sump retrofits share the common principles of:

- Enhancement and management of stormwater recharge through appropriate retrofitting and modifications of existing sumps.
- Subsequent abstraction of stormwater in summer months using abstraction rates, abstraction volumes and methods cognisant of the specific site conditions.
- Transfer of abstracted water by pipeline to nearby irrigation demands, with volumes achieved through the combination of abstraction from multiple sumps.

COMMUNITY CONSULTATION:

There was no community consultation in relation to the Tenders received for the works as set out in the project scope of works.

COUNCILLOR CONSULTATION:

Councillors were briefed on the project at the May Concept Forum.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The Stormwater Harvesting and Aquifer Recharge Project is co funded by the City of Greater Geraldton and SEWPaC (Department of Sustainability, Environment, Water, Population and Communities).

The total funding for the five components of the Stormwater Harvesting Project is \$6,000,00 being \$3,000,000 from CoGG and \$3,000,000 SEWPaC of which the construction of stormwater harvesting infrastructure in the Webberton/Spalding sump network is one component.

To award a contract and proceed with the project construction would cost \$1,487,245. The budget allowed for this component of the project is \$600,000 and based on the outcome of the tenders received for the remaining components of the total project no additional funds from the funding pool of \$6,000,000 are available to appropriate to this separable portion of the overall project.

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

- | | |
|-----------------|---|
| Goal 4: | Opportunity's for Sustainability. |
| Outcome 4.3: | Environmental Sustainability. |
| Strategy 4.3.4: | Advocate and apply sustainable water and energy management. |

Regional Outcomes:

The City is taking positive steps towards becoming a climate-resilient, water-sensitive City. The project will contribute significantly to this process, and support the emergence of the City of Greater Geraldton as a leading West Australian community, utilising limited water supplies in a changing climate while driving regional economic development.

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

Reduction in the volume of scheme water being used to reticulate POS, resulting in a cost saving to the City and more efficient use of limited resources.

Social:

Provision of quality turf and playing fields for the Eadon Clark sporting complex.

Environmental:

Environmental sustainability by sourcing water from alternative sources, to supplement the supply of irrigation water for the sports fields.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

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

CONCLUSION:

Based on the outcome of the market testing / procurement process through open advertising for competitive tenders to undertake the works and the available funds for this component of the total Stormwater Harvesting Project the project it is recommended that Council not proceed to award a contract due to the additional funding required to complete this component of the project.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

1. NOT AWARD a contract for RFT 55 1213 – Spalding – Webberton sump network due to the cost of the works exceeding the available funds.
2. CONSIDER the project in the City's long term capital works program subject to the project receiving matching funds from State and /or Federal Government.
3. ADVISE the State Department of Water and Federal Department of Sustainability, Environment, Water, Population and Communities of the Council decision.

CI050	RFT58 1213 – CONSTRUCTION OF STORM WATER HARVESTING INFRASTRUCTURE IN OLIVE STREET
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AGENDA REFERENCE:	D-13-32956
AUTHOR:	G Burton, Project Coordinator
EXECUTIVE:	N Arbuthnot, Director Community Infrastructure
DATE OF REPORT:	7 April 2013
FILE REFERENCE:	SD/4/0005
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (confidential)

SUMMARY:

The objective for this report is to seek Council approval to not accept any tender or award a contract for RFT 58 1213 Construction of Storm Water Harvesting Infrastructure In Olive Street and to refer the project to the ten year capital works program for consideration, subject to availability of funding, in years five to ten of the program

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The existing drainage system of the Olive Street catchment discharges stormwater on to the Beach near the surf lifesaving club in Mahomets Beach.

The retrofit design for the Olive Street stormwater catchment system was developed using principles of Water Sensitive Urban Design to minimise any discharge to the ocean and capture and store stormwater for irrigation of public open space (POS).

The tender required the procurement of construction materials other than the stormwater distribution cells; construct and commission the Olive Street Stormwater Harvesting system as per the attached engineering drawings Under a separate contract the City was responsible for the procurement and delivery to site the underground storage components (distribution cells) with the contractor being responsible for installing and commissioning of the distribution cells.

COMMUNITY CONSULTATION:

There was no community consultation.

COUNCILLOR CONSULTATION:

Councillors were briefed on the project at the May Concept Forum.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The Stormwater Harvesting and Aquifer Recharge Project is co funded by the City of Greater Geraldton and SEWPaC (Department of Sustainability, Environment, Water, Population and Communities).

The total funding for the five components of the Stormwater Harvesting Project is \$6,000,00 being \$3,000,000 from CoGG and \$3,000,000 SEWPaC of which the construction of stormwater harvesting infrastructure in Olive Street is one component.

To award a contract and proceed with the project construction would see a shortfall in funding allocated to this component of the project of \$1,650,178. Including the cost of distribution cells supplied by the City under a separate contract. Based on the outcome of the tenders received for the remaining components of the total project no additional funds from the funding pool of \$6,000,000 are available to appropriate to this separable portion of the overall project.

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

- Goal 4: Opportunity's for Sustainability.
- Outcome 4.3: Environmental Sustainability.
- Strategy 4.3.4: Advocate and apply sustainable water and energy management.

Regional Outcomes:

The City is taking positive steps towards becoming a climate-resilient, water-sensitive City. The project will contribute significantly to this process, and support the emergence of the City of Greater Geraldton as a leading West Australian community, utilising limited water supplies in a changing climate while driving regional economic development.

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

Reduction in the volume of scheme water being used to reticulate POS, resulting in a cost saving to the City and more efficient use of limited resources.

Social:

Provision of quality turf, gardens and playing fields for the Olive Street development and diversion of stormwater previously discharging to the ocean drainage outfalls.

Environmental:

Environmental sustainability by sourcing water from alternative sources, to supplement the supply of irrigation water for public open space areas.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

A simple majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

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

CONCLUSION:

Based on the outcome of the market testing / procurement process through open advertising for competitive tenders to undertake the works and the available funds for this component of the total Stormwater Harvesting Project it is recommended that Council not proceed to accept any tender received and not to award a contract due to the additional funding required to complete this component of the project.

Not proceeding with this component of the Stormwater Harvesting Project will have no impact on the Olive Street development proceeding.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to section 3.57 of the Local Government Act 1995 RESOLVES to:

1. NOT AWARD a contract for the RFT 58 1213 – Olive Street Stormwater Retrofit due to the cost of the works exceeding the available funds;
2. CONSIDER the project in the City's long term capital works program subject to the project receiving matching funds from State and /or Federal Government; and

3. ADVISE the State Department of Water and Federal Department of Sustainability, Environment, Water, Population and Communities of the Council decision.

15 REPORTS TO BE RECEIVED

CEO26 REPORTS TO BE RECEIVED	
AGENDA REFERENCE:	D-13-34692
AUTHOR:	K Diehm, Chief Executive Officer
DISCLOSURE OF INTEREST:	No
FILE REFERENCE:	GO/6/0002
DATE OF REPORT:	13 May 2013

BACKGROUND:

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

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

ADMINISTRATIVE COMMENT:

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

<i>Office of the CEO</i>	
CEO026	Council Resolutions to 23 April 2013
<i>Reports of Treasury and Finance</i>	
TF063	Statement of Financial Activity for the Period Ending 30 April 2013
TF064	Round 12 Grants Meeting Minutes
TF065	Delegated Lease Approvals
TF066	Confidential Report – List of Accounts Paid Under Delegation
<i>Reports of Sustainable Communities</i>	
SCDD074	Delegated Determinations
<i>Reports of Creative Communities</i>	
CC109	HMAS Sydney II Memorial Committee Meeting Minutes
CC110	Public Art Advisory Committee – Minutes 13 March 2013
CC111	Heritage Advisory Committee Minutes 24 March 2013
CC112	Seniors Advisory Committee Minutes 13 February 2013
CC112	Attachment A - Senior Advisory Committee – March 2013 Report
CC112	Attachment B - Senior Advisory Committee – April 2013 Report

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

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 – Office of CEO
 - i. CEO026 Council Resolutions to 23 April 2013
 - b. Reports – Creative Communities
 - ii. CC109 HMAS Sydney II Memorial Committee Meeting Minutes
 - iii. CC110 - Public Art Advisory Committee – Minutes 13 March 2013
 - iv. CC111 - Heritage Advisory Committee Minutes 24 March 2013
 - v. CC112 - Seniors Advisory Committee Minutes 13 February 2013
 - vi. CC112 - Attachment A - Senior Advisory Committee – March 2013 Report
 - vii. CC112 - Attachment B - Senior Advisory Committee – April 2013 Report
 - c. Reports – Sustainable Communities
 - i. SCD074 – 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 – Department of Treasury and Finance;
 - i. TF063 - Statement of Financial Activity for the Period Ending 30 April 2013
 - ii. TF064 - Round 12 Grants Meeting Minutes
 - iii. TF065 - Delegated Lease Approvals
 - iv. TF066 - Confidential Report – List of Accounts Paid Under Delegation

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

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

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

- 19 CLOSURE**

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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