



SPECIAL MEETING OF COUNCIL  
AGENDA

1 JULY 2011

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**CITY OF GREATER GERALDTON**  
**SPECIAL MEETING OF COUNCIL**  
**TO BE HELD ON FRIDAY, 1 JULY 2011 AT 10.30AM**  
**AT MULLEWA DISTRICT OFFICE**

**A G E N D A**

**DISCLAIMER:**

The City of Greater Geraldton advises that persons interested in any topics raised in this Agenda should wait for formal written advice from the City before taking any action on an application that is listed for consideration.

**1      **ACKNOWLEDGEMENT 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****

**5      **PUBLIC QUESTION TIME****

**6      **APPLICATIONS FOR LEAVE OF ABSENCE****

**Existing Approved Leave**

<b>July</b>		
Nil.		

**7 PETITIONS, DEPUTATIONS OR PRESENTATIONS****8 DECLARATIONS OF CONFLICTS OF INTEREST****9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
– as circulated**

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Geraldton-Greenough held on 28 June 2011; Shire of Mullewa held on 15 June 2011; and Minutes of the Special Meeting of Council for Shire of Mullewa held on 23 June 2011 as previously circulated, be adopted as a true and correct record of proceedings.

**10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)**

<b>DATE</b>	<b>FUNCTION</b>	<b>REPRESENTATIVE</b>
1 July	Special Meeting of Council	All Commissioners
	Amalgamation of the City of Geraldton-Greenough and the Shire of Mullewa	All Commissioners

**11      REPORTS OF COMMITTEES AND OFFICERS**

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

Nil.

## 11.2 Reports of Corporate Services

CS001 CITY OF GREATER GERALDTON COUNCIL POLICIES	
<b>AGENDA REFERENCE:</b>	<b>11/062872</b>
<b>AUTHOR:</b>	<b>C Wood, Director of Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>20 June 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/0052</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

### SUMMARY:

The attached policies for the City of Greater Geraldton are provided to Commissioners for adoption.

### PROponent:

City of Greater Geraldton.

### BACKGROUND:

Endorsed by the Joint Structural Reform Transitional Arrangements Committee and the Councils of the former City of Geraldton-Greenough and Shire of Mullewa, the following council policies have been developed incorporating elements of existing policies, where existing policies are in place from both former entities:

1. CP001 Councillors' Rights to Access Council Records
2. CP002 – Confidential Information
3. CP003 - Positive Lasting Legacy Principle
4. CP004 - Asset Management
5. CP005 – Youth
6. CP006 – Risk Management
7. CP007 – Legal Representation on Costs Indemnification
8. CP008 - Occupational Health and Safety
9. CP 009 – Significant Accounting – to be adopted as part of the Budget
10. CP010 - Procurement of Goods and Services
11. CP011 – Investment
12. CP 012 – Equal Employment Opportunity
13. CP013 – Record Keeping
14. CP014 - Financial Sustainability – to be adopted as part of the Budget
15. CP015 – Code of Conduct
16. CP016 – Regional Price Preference
17. CP017 – Joint Reform Policy – Local Assets and Local Funding
18. CP018 – Joint Reform Policy – Local Identity
19. CP019 – Joint Reform Policy – Local Workforce
20. CP020 – Joint Reform Policy – Untied Road Funding Arrangements
21. CP021 - Payments to Employees in addition to Contract or Award



**COMMUNITY CONSULTATION:**

Where necessary, consultation has been undertaken via public notice and liaison with relevant parties.

Council Policy 016 – Regional Price Preference was advertised for submission via public notice in March 2011. No submissions were received.

**COUNCILLOR/OFFICER CONSULTATION:**

Policies were developed with consultation between the Shire of Mullewa and City of Geraldton-Greenough.

**STATUTORY IMPLICATIONS:**

Section 3.18 of the Local Government Act 1995.

**POLICY IMPLICATIONS:**

The attached policies are a preferred direction for the new entity and will be applied to assist in the governance of the City of Greater Geraldton.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial or budget implications.

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

Key Result Area 4:      Leading the Opportunities

Outcome 4.1:            Leadership in organisation and the community.

Strategy 4.1.3:        Implement business and governance frameworks.

**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 or heritage issues.

**RELEVANT PRECEDENTS:**

These Council policies have been endorsed by the Councils of the former City of Geraldton-Greenough and Shire of Mullewa.

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

1. ENDORSE the Council Policies with the following changes:
  - a. To be determined by Council.
2. MAKE the determination based on the following reason:
  - a. To be determined by Commissioners.

**Option 3:**

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

1. NOT ENDORSE the Council Policies;
2. MAKE the determination based on the following reason:
  - a. To be determined by Commissioners.

**CONCLUSION:**

These policies will provide direction to the Council of Commissioners from 1 July 2011 in overseeing the affairs of the new local government until the inaugural Council is elected in October 2011.

**EXECUTIVE RECOMMENDATION:**

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

1. ENDORSE the following Council Policies for the new local authority of the City of Greater Geraldton:
  - a. CP001 Councillors' Rights to Access Council Records;
  - b. CP002 – Confidential Information;
  - c. CP003 - Positive Lasting Legacy Principle;
  - d. CP004 - Asset Management;
  - e. CP005 – Youth;
  - f. CP006 – Risk Management;
  - g. CP007 – Legal Representation on Costs Indemnification;
  - h. CP008 - Occupational Health and Safety;
  - i. CP 009 – Significant Accounting – to be adopted as part of the Budget;
  - j. CP010 - Procurement of Goods and Services;
  - k. CP011 – Investment;

- l. CP 012 – Equal Employment Opportunity;
- m. CP013 – Record Keeping;
- n. CP014 - Financial Sustainability – to be adopted as part of the Budget;
- o. CP015 – Code of Conduct;
- p. CP016 – Regional Price Preference;
- q. CP017 – Joint Reform Policy – Local Assets and Local Funding;
- r. CP018 – Joint Reform Policy – Local Identity;
- s. CP019 – Joint Reform Policy – Local Workforce;
- t. CP020 – Joint Reform Policy – Untied Road Funding Arrangements; and
- u. CP021 - Payments to Employees in addition to Contract or Award.

**CS002 MEETING SCHEDULE - JULY 2011 TO DECEMBER 2012**

<b>AGENDA REFERENCE:</b>	<b>11/062873</b>
<b>AUTHOR:</b>	<b>C Wood, Director Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>17 June 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/0059</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

The purpose of this report is to adopt the Council meeting schedule for the period July 2011 to June 2012.

**PROPONENT:**

City of Greater Geraldton

**BACKGROUND:**

Section 5.3 of the Local Government Act 1995 allows Council to hold ordinary and special meetings. It further requires ordinary meetings to be held not more than 3 months apart. Section 12 of the Local Government (Administration) Regulations 1996 requires Council to give public notice of the dates, times and location of its ordinary and committee meetings to be held in the next 12 months. Public notice is also required for any changes to these elements.

It is proposed that the following ordinary meetings will be held over the next 12 months.

July to October 2011

Ordinary Meeting to be held on the second Wednesday of the month commencing at 5.30pm in the Council Chambers at Edward Road.

November to December 2011

Concept Meeting (Closed to Public) to be held on the first Tuesday of the month commencing at 5.30pm at the Cathedral Avenue Office.

Council Briefing Session to be held on the third Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road.

Ordinary Meeting to be held on the fourth Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road.

January 2012 – no meeting

February to December 2012

Concept Meeting (Closed to Public) to be held on the first Tuesday of the month commencing at 5.30pm at the Cathedral Avenue Office.

Council Briefing Session to be held on the third Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road.

Ordinary Meeting to be held on the fourth Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road.

**COMMUNITY CONSULTATION:**

There is no requirement for community consultation on this matter.

**COUNCILLOR/OFFICER CONSULTATION:**

There is no requirement for councillor/officer consultation.

**STATUTORY IMPLICATIONS:**

Section 12 of the Local Government (Administration) 1996 requires Council to advertise its ordinary and committee meeting schedule for the ensuing 12 months.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The cost of advertising the schedule of meetings is contained within the 2011/12 budget.

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

Key Result Area 4:      Leading the Opportunities

Outcome 4.1:            Leadership in organisation and the community.

Strategy 4.1.2:        Develop and empower the Council.

**Regional Outcomes:**

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

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

There are no economic impacts associated with this matter.

**Social:**

There are no social impacts associated with this matter.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

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

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this matter.

**DELEGATED AUTHORITY:**

There are no delegated authority issues associated with this matter.

**VOTING REQUIREMENTS:**

Simple Majority is required.

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

As per Executive Recommendation in this report.

**Option 2:**

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

1. NOT ADOPT the schedule as per current schedule (e.g. Concept, Agenda, Forum, Ordinary Meeting) for 2011-12 as presented; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. ADOPT the schedule for Ordinary Meetings for 2011-12 as presented with the following changes;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**CONCLUSION:**

Council is required under Section 12 of the Local Government (Administration) Regulations 1996 to give public notice of its schedule of ordinary meetings for the next 12 months.

**EXECUTIVE RECOMMENDATION:**

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

1. ADOPT the schedule of ordinary meetings for 2011-12 as being.
  - a. July to October 2011 -\_Ordinary Meeting to be held on the second Wednesday of the month commencing at 5.30pm in the Council Chambers at Edward Road;
  - b. November to December 2011 - Concept Meeting (Closed to Public) to be held on the first Tuesday of the month commencing at 5.30pm at the Cathedral Avenue Office;
  - c. Council Briefing Session to be held on the third Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road;
  - d. Ordinary Meeting to be held on the fourth Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road;
  - e. January 2012 – no meeting;
  - f. February to December 2012 - Concept Meeting (Closed to Public) to be held on the first Tuesday of the month commencing at 5.30pm at the Cathedral Avenue Office;
  - g. Council Briefing Session to be held on the third Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road; and
  - h. Ordinary Meeting to be held on the fourth Tuesday of the month commencing at 5.30pm in the Council Chambers at Edward Road.

**CS003 APPOINTMENT OF DELEGATES TO EXTERNAL COMMITTEES**

<b>AGENDA REFERENCE:</b>	<b>11/062874</b>
<b>AUTHOR:</b>	<b>C Wood, Director Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>22 June 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/0009</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this report is to appoint City of Greater Geraldton council delegates to external committees.

**PROponent:**

City of Greater Geraldton

**BACKGROUND:**

In order to ensure that Council's position on different aspects of its business is understood, Council appoints delegates to committees external to Council. These delegates are to represent Council's views on relevant topics and to report back to Council on the outcomes of meetings held.

Appointments to the following external committees have been addressed in this item:

- a. Batavia Regional Organisation of Councils
- b. Rural Clinical School of WA Local Advisory Committee
- c. Dongara to Cape Burney Coastal Planning Strategy Steering Committee
- d. WA Museum Geraldton Advisory Committee
- e. Kalbarri Airport Joint Venture Committee
- f. Forum of Regional Councils: Waste Management
- g. Mid West Regional Road Group
- h. WALGA – Northern Zone WA Local Government Association
- i. WALGA – Municipal Waste Advisory Council
- j. Local Health Authorities Analytical Committee
- k. Northern Barrier Fence Committee
- l. Geraldton-Greenough Sunshine Festival Inc

Terms of Reference for each of these committees are attached for the Commissioners' information.



**COMMUNITY CONSULTATION:**

There is not requirement for community consultation on this matter.

**COUNCILLOR/OFFICER CONSULTATION:**

There is no requirement for councillor/officer consultation.

**STATUTORY IMPLICATIONS:**

There are no statutory implications with this matter.

**POLICY IMPLICATIONS:**

There are no policy implications

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are minor travel cost implications in the appointment of delegates to external committees. Such costs are contained within the 2011/12 budget.

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

Key Result Area 4:      Leading the opportunities.

Outcome 4.1:            Leadership in organisation and the community.

Strategy 4.1.2:        Develop and empower the Council.

**Regional Outcomes:**

Appointees to these committees provide a regional voice to issues affecting the region and the State.

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

There are no economic issues associated with this item.

**Social:**

There are no social issues associated with this item.

**Environmental:**

There are no environmental issues associated with this item.

**Cultural & Heritage:**

There are no cultural or heritage issues associated with this item.

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this item.

**DELEGATED AUTHORITY:**

Appointees to external committees do not have any delegations associated with the appointment.

**VOTING REQUIREMENTS:**

Simple Majority is required.

**CONCLUSION:**

The appointment of delegates to external committees ensures that Council has an input to issues of importance affecting the community.

**Part A – Batavia Regional Organisation of Councils****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Batavia Regional Organisation of Councils; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Batavia Regional Organisation of Councils; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Batavia Regional Organisation of Councils;
2. APPOINT the following delegates to the Batavia Regional Organisation of Councils:
  - a. Commissioner .....
  - b. Commissioner .....

3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part B – Rural Clinical School of WA Local Advisory Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. Not RE-ESTABLISH the representation and appointment of delegates to the Rural Clinical School of WA Local Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Rural Clinical School of WA Local Advisory Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Rural Clinical School of WA Local Advisory Committee;
2. APPOINT the following delegates to the Rural Clinical School of WA Local Advisory Committee:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

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**Part C – Dongara to Cape Burney Coastal Planning Strategy Steering Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Dongara to Cape Burney Coastal Planning Strategy Steering Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Dongara to Cape Burney Coastal Planning Strategy Steering Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Dongara to Cape Burney Coastal Planning Strategy Steering Committee;
2. APPOINT the following delegates to the Dongara to Cape Burney Coastal Planning Strategy Steering Committee:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part D – WA Museum Geraldton Advisory Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the WA Museum Geraldton Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the WA Museum Geraldton Advisory Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the WA Museum Geraldton Advisory Committee;
2. APPOINT the following delegates to the WA Museum Geraldton Advisory Committee:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part E – Kalbarri Airport Joint Venture Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. Not RE-ESTABLISH the representation and appointment of delegates to the Kalbarri Airport Joint Venture Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Kalbarri Airport Joint Venture Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Kalbarri Airport Joint Venture Committee;
2. APPOINT the following delegates to the Kalbarri Airport Joint Venture Committee:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

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## **Part F – Forum of Regional Councils: Waste Management**

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

As per Executive Recommendation.

**Option 2:**

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

1. Not RE-ESTABLISH the representation and appointment of delegates to the Forum of Regional Councils: Waste Management; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Forum of Regional Councils: Waste Management; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Forum of Regional Councils: Waste Management;
2. APPOINT the following delegates to the Forum of Regional Councils: Waste Management:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.



**Part G – Mid West Regional Road Group****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Regional Road Group; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Regional Road Group; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Regional Road Group;
2. APPOINT the following delegates to the Regional Road Group:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part H – WALGA Northern Zone WA Local Government Association****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Northern Zone WA Local Government Association; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Northern Zone WA Local Government Association; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Northern Zone WA Local Government Association;
2. APPOINT the following delegates to the Northern Zone WA Local Government Association:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part I – WALGA Municipal Waste Advisory Council****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the WALGA Municipal Waste Advisory Council; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the WALGA Municipal Waste Advisory Council; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the WALGA Municipal Waste Advisory Council;
2. APPOINT the following delegates to the WALGA Municipal Waste Advisory Council:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part J – Local Health Authorities Analytical Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Local Health Authorities Analytical Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Local Health Authorities Analytical Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Local Health Authorities Analytical Committee;
2. APPOINT the following delegates to the Local Health Authorities Analytical Committee:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

**Part K – Northern Barrier Fence Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Northern Barrier Fence Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Northern Barrier Fence Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Northern Barrier Fence Committee;
  2. APPOINT the following delegates to the Northern Barrier Fence Committee:
    - a. Commissioner .....
    - b. Commissioner .....
  3. SET the Terms of Reference of the CEO Performance Review Committee to be:
    - a. To stimulate discussion on the Northern Barrier Fence with a view to ensuring that it remains a high priority of Government.
    - b. To establish the extent of current and proposed maintenance and upgrading programmes and determine if such programmes are sufficient to maintain viability of the fence
    - c. Determine if value for money with fencing maintenance and upgrading is occurring, and if not, how can it be achieved, and what role does local government, and interested community persons/organisations have in maintaining and upgrading of the fence.
  4. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
  5. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
  6. ATTEND meetings as required.
-

**Part L – Geraldton-Greenough Sunshine Festival Inc****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Geraldton-Greenough Sunshine Festival Inc; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Geraldton-Greenough Sunshine Festival Inc; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Geraldton-Greenough Sunshine Festival Inc;
2. APPOINT the following delegates to the Geraldton-Greenough Sunshine Festival Inc:
  - a. Commissioner .....
  - b. Commissioner .....
3. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
4. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
5. ATTEND meetings as required.

CS005	DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
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<b>AGENDA REFERENCE:</b>	<b>11/062876</b>
<b>AUTHOR:</b>	<b>C Wood, Director Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>17 June 2011</b>
<b>FILE REFERENCE:</b>	<b>PE/0629</b>
<b>APPLICANT / PROPONENT:</b>	<b>Nil</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this report is to approve the delegations to the Chief Executive Officer of the City of Greater Geraldton with effect from 1 July 2011.

**PROPONENT:**

Not applicable.

**BACKGROUND:**

Section 5.42 of the Local Government Act 1995 provides for Council to delegate some of its powers to the Chief Executive Officer (CEO). These delegations provide for the efficient operation of the City and are to be reviewed on an annual basis in accordance with Section 5.46 (2).

The proposed delegations to the CEO are attached for Council's consideration. For ease of understanding and certainty, the delegations are general in nature and allow the CEO to do whatever he is permitted to under any Act in order to protect the City's interests. Therefore the delegations specifically state what the CEO is not permitted to do so that there can be no confusion when undertaking his role as CEO.

Further specific delegations e.g. planning, are allowed for in a separate item in the agenda.

**COMMUNITY CONSULTATION:**

There is no requirement for community consultation on this matter.

**COUNCILLOR/OFFICER CONSULTATION:**

There is no requirement for councillor/officer consultation.

**STATUTORY IMPLICATIONS:**

Section 5.42 of the Local Government Act 1995 provides for Council to delegate some of its powers to the CEO.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The delegations allow for the CEO to approve expenditure items up to \$200,000. This amount has been set at this level to allow the efficient operation of the City's operations and reflects the level of contracts which are being entered into by the City for operational and construction projects. This delegation would not negate the requirement under the Local Government Regulations to go to tender for any contract greater than \$100,000.

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

Key Result Area 4: Leading the Opportunities.

Outcome 4.1: Leadership in organisation and the community.

Strategy 4.1.3: Implement business and governance frameworks.

**Regional Outcomes:**

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

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

There are no economic impacts associated with this matter.

**Social:**

There are no social impacts associated with this matter.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

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

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this matter.

**DELEGATED AUTHORITY:**

There are no delegated authority issues associated with this matter.

**VOTING REQUIREMENTS:**

Absolute Majority is required.



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

As per Executive Recommendation in this report.

**Option 2:**

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

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

**Option 3:**

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

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

**CONCLUSION:**

The approval of the delegations to the Chief Executive Officer provides for efficient and timely delivery of services and projects in the management of the City.

**EXECUTIVE RECOMMENDATION:**

That the Council of Commissioners by Absolute Majority under Section 5.42 of the Local Government Act 1995 RESOLVES to

1. APPROVE the delegations as presented to the Chief Executive Officer of the City of Greater Geraldton; and
2. AUTHORISE the Chairman of Commissioners to sign and seal the formal instrument of delegation.

CS006	RE-ESTABLISHMENT OF COUNCIL COMMITTEES
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<b>AGENDA REFERENCE:</b>	<b>11/062877</b>
<b>AUTHOR:</b>	<b>C Wood, Director Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>22 June 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/0009</b>
<b>APPLICANT / PROPONENT:</b>	<b>Nil</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this report is to re-establish Council committees for the new City of Greater Geraldton.

**PROPONENT:**

Not applicable.

**BACKGROUND:**

Section 5.8 of the Local Government Act 1995 allows Council to establish, by absolute majority, committees of three or more persons to assist Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

The new City of Greater Geraldton is required to re-establish the committees for the previous Shire of Mullewa and the City of Geraldton-Greenough as deemed necessary.

The following committees have been addressed in this item:

- a. CEO Performance Review Committee
- b. City of Greater Geraldton/Geraldton Port Authority Liaison Committee
- c. City of Greater Geraldton Audit Committee
- d. Joint Structural Reform Transitional Arrangements Committee
- e. BROC Climate Change Adaption Plan Project Steering Committee
- f. Bushfire Advisory Committee
- g. City of Greater Geraldton Local Emergency Management Committee
- h. Greater Geraldton Australia Day Committee
- i. Greater Geraldton Crime Prevention Committee
- j. Greater Geraldton Community Grants Committee
- k. Greater Geraldton Reconciliation Committee
- l. Public Arts Advisory Committee
- m. Greater Geraldton Regional Art Gallery Management Committee
- n. Queen Elizabeth II Seniors and Community Centre Advisory Committee
- o. Sister City Economic and Cultural Development Advisory Committee
- p. Greater Geraldton Roadwise Committee
- q. 5<sup>th</sup> Element Project Implementation Committee
- r. Heritage Advisory Committee
- s. Western Australian Regional Cities Alliance Committee
- t. Greater Geraldton City Region Alliance Governance Group

- u. Mullewa Tourist Committee
- v. Mullewa Community Trust

Terms of Reference for each of these committees are attached for Commissioners' information.

**COMMUNITY CONSULTATION:**

Where appropriate, each committee has existing community representation.

**COUNCILLOR/OFFICER CONSULTATION:**

There is no requirement for councillor/officer consultation.

**STATUTORY IMPLICATIONS:**

Section 5.8 of the Local Government Act 1995 allows Council to establish committees to assist it in discharging its duties under the Act.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no cost implications in the establishment of these committees.

**STRATEGIC & REGIONAL OUTCOMES:**

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

Key Result Area 4:      Leading the Opportunities

Outcome 4.1:            Leadership in organisation and the community.

Strategy 4.1.2:         Develop and empower the Council.

**Regional Outcomes:**

The establishment of these committees provides for regional issues to be addressed in a consultative manner.

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

**Economic:**

The re-establishment of these committees may provide economic benefits to the community.

**Social:**

The re-establishment of these committees may provide social benefits to the community.

**Environmental:**

The re-establishment of these committees may provide environmental benefits to the community.

**Cultural & Heritage:**

The re-establishment of these committees may provide cultural and heritage benefits to the community.

**RELEVANT PRECEDENTS:**

The committees have been re-established from the former City of Geraldton-Greenough and the Shire of Mullewa.

**DELEGATED AUTHORITY:**

Delegations to the committees have been stated in their Terms of Reference.

**VOTING REQUIREMENTS:**

Absolute Majority is required.

**CONCLUSION:**

The re-establishment of Council committees will assist Council in the discharge of its duties to the community and provide a platform for input into Council's direction by the community.

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## Part A – CEO Performance Review Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the CEO Performance Review Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the CEO Performance Review Committee with the following changes;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the CEO Performance Review Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
4. SET the Terms of Reference of the CEO Performance Review Committee to be:
  - a. appoint an independent facilitator to assist the Committee and Council to undertake the ongoing performance review of the Chief Executive Officer;
  - b. develop annual performance indicators and measures for the Chief Executive Officer;
  - c. undertake 6 monthly and annual performance reviews of the Chief Executive Officer;
  - d. undertake consultation of Council as a whole and individual Councillors in addressing points b and c above; and
  - e. report findings and recommendations to Council for consideration.
5. APPOINT the Manager Human Resources as the Executive Support and Coordinator of the Committee;

6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings as required.

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## **Part B – City of Greater Geraldton/Geraldton Port Authority Liaison Committee**

### **OPTIONS:**

#### **Option 1:**

As per Executive Recommendation.

#### **Option 2:**

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

1. NOT RE-ESTABLISH the City of Greater Geraldton/Geraldton Port Authority Liaison Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

#### **Option 3:**

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

1. RE-ESTABLISH the City of Greater Geraldton/Geraldton Port Authority Liaison Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

### **EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the City of Greater Geraldton/Geraldton Port Authority Liaison Committee;
  2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
  3. APPOINT as members of the Committee:
    - a. Commissioner .....
    - b. Commissioner .....
    - c. Reappoint the External Members which are:  
Ilan King, Geraldton Port Authority  
Bill Perry, Geraldton Port Authority  
Peter Klein, Geraldton Port Authority  
Peter Duplex, Geraldton Port Authority
  4. SET the Terms of Reference of the City of Geraldton-Greenough/Geraldton Port Authority Liaison committee to be to:
    - a. facilitate a strong working relationship between the City and the Port;
    - b. provide a framework for the ongoing operation of the Memorandum;
    - c. provide a framework for the effective communication and engagement between the City and the Port; and
-

- d. report annually to the respective Port Board and the City Council on the status and outcomes of the Memorandum.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings every three months.



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## Part C – City of Greater Geraldton Audit Committee

### OPTIONS:

#### Option 1:

As per Executive Recommendation.

#### Option 2:

That the Council of Commissioners by Absolute Majority under Section 7.1A of the Local Government Act 1995 RESOLVES to:

1. Not RE-ESTABLISH the City of Greater Geraldton Audit Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

#### Option 3:

That the Council of Commissioners by Absolute Majority under Section 7.1A of the Local Government Act RESOLVES to:

1. RE-ESTABLISH the City of Greater Geraldton Audit Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

### EXECUTIVE RECOMMENDATION:

That the Council of Commissioners by Absolute Majority under Section 7.1A of the Local Government Act 1995 RESOLVES to:

1. RE-ESTABLISH the City of Greater Geraldton Audit Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Commissioner .....
4. SET the Terms of Reference of the Audit Committee to be:
  - a. provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
  - b. develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
  - c. develop and recommend to Council:
    - i. a list of those matters to be audited; and
    - ii. the scope of the audit to be undertaken;
  - d. recommend to Council the person or persons to be appointed as auditor;
  - e. develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include:

- i. the objectives of the audit;
    - ii. the scope of the audit;
    - iii. a plan of the audit;
    - iv. details of the remuneration and expenses to be paid to the auditor; and
    - v. the method to be used by the local government to communicate with, and supply information to, the auditor;
  - f. meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
  - g. liaise with the CEO to ensure that the local government does everything in its power to:
    - i. assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and
    - ii. ensure that audits are conducted successfully and expeditiously;
  - h. examine the reports of the auditor after receiving a report from the CEO on the matters and:
    - i. determine if any matters raised require action to be taken by the local government; and
    - ii. ensure that appropriate action is taken in respect of those matters;
  - i. review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
  - j. review the scope of the audit plan and program and its effectiveness;
  - k. review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;
  - l. review the level of resources allocated to internal audit and the scope of its authority;
  - m. review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised;
  - n. facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
  - o. review the local government's draft annual financial report, focusing on:
    - i. accounting policies and practices;
    - ii. changes to accounting policies and practices;
    - iii. the process used in making significant accounting estimates;
    - iv. significant adjustments to the financial report (if any) arising from the audit process;
    - v. compliance with accounting standards and other reporting requirements; and
-

- vi. significant variances from prior years;
  - p. consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
  - q. address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
  - r. seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council; and
  - s. review the Statutory Compliance Return and make a recommendation on its adoption to Council.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  7. HOLD meetings as required.

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## **Part D – Joint Structural Reform Transitional Arrangements Committee**

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Joint Structural Reform Transitional Arrangements Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the Joint Structural Reform Transitional Arrangements Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Joint Structural Reform Transitional Arrangements Committee;
2. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Commissioner.....
  - d. Commissioner.....
  - e. Community Representatives:  
C Gabelish  
R Ashplant  
N McIlwaine
3. SET the Terms of Reference of the Joint Structural Reform Transitional Arrangements Committee to be:
  - a. to facilitate the transitional arrangements for the amalgamation;
  - b. to set up a framework and draft the Merged Entity 2010/11 Financial Year Budget;
  - c. to set up the Plan for the Future for the emerged entity;
  - d. to develop an employment structure for the commencement of the new entity;

- e. to consult with the community where required on key issues;  
and
  - f. to report quarterly to the respective Local Government Councils on the status and outcomes of the Memorandum.
4. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  5. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  6. HOLD meetings as required.

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## **Part E – BROCC Climate Change Adaptation Plan Project Steering Committee**

### **OPTIONS:**

#### **Option 1:**

As per Executive Recommendation.

#### **Option 2:**

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

1. Not RE-ESTABLISH the BROCC Climate Change Adaptation Plan Project Steering Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

#### **Option 3:**

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

1. RE-ESTABLISH the BROCC Climate Change Adaptation Plan Project Steering Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

### **EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the BROCC Climate Change Adaptation Plan Project Steering Committee;
2. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:  
 Brian Jones CEO Irwin Shire  
 Kathryn Jackson, Planning Officer,  
 Shire of Chapman Valley  
 Hayley Williams, Principal Planner;  
 Shire of Northampton
3. SET the Terms of Reference of the BROCC Climate Change Adaptation Plan Project, Steering Committee to be:
  - a. identify and prioritise risks that climate change impacts pose to the operations and responsibilities of local government;
  - b. develop strategies for managing risks, adaptive actions, and building resilience within communities;
  - c. identify where knowledge and gaps may be and when further investigation is needed;

4. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
5. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
6. HOLD meetings as required.

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## Part F – Bushfire Advisory Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Bushfire Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. RE-ESTABLISH the Bushfire Advisory Committee with the following changes;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Bush Fire Advisory Committee;
2. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:
 

<p>Andrew Darbyshire</p> <p>Deputy Chair</p> <p>Craig Wing</p> <p>Rich Maslen</p> <p>Regional Fire Coordinator</p> <p>Geraldton District Manager</p> <p>FESA DMFS South/North, FESA</p> <p>FESA CFM Pastoral, FESA Fire Control Officers</p> <p>John Oliver</p> <p>Daniel Treasure</p> <p>Trevor Brandy</p> <p>Warren Treasure</p>	<p>Community Fire Manager, Chief Bushfire Control Officer – Chair - City of Geraldton-Greenough/FESA</p> <p>Deputy Chief Bush Fire Control Officer - City of Geraldton-Greenough</p> <p>Deputy Chief Bush Fire Control Officer</p> <p>Deputy Chief Bush Fire Control Officer</p> <p>DEC Geraldton</p> <p>DEC Geraldton</p> <p>Walkaway</p> <p>Moonyoonooka</p> <p>Cape Burney</p> <p>Moonyoonooka</p>
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Len Hamersley	Walkaway
Kevin White	Cape Burney
Trevor Barwick	Cape Burney
Tom Burges	Cape Burney
Michael Marsh	Waggrakine
Ian Grant	East Chapman
Bruce Garratt	Walkaway
Garry Criddle	Defence Base

3. SET the terms of reference of the Bush Fire Advisory Committee to act as an advisory body to Council on matters of Bush Fire.
4. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
5. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
6. HOLD meetings as required.

## **Part G – Geraldton-Greenough Local Emergency Management Advisory Committee**

### **OPTIONS:**

#### **Option 1:**

As per Executive Recommendation.

#### **Option 2:**

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

1. NOT RE-ESTABLISH the Geraldton-Greenough Local Emergency Management Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

#### **Option 3:**

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

1. RE-ESTABLISH the Geraldton-Greenough Local Emergency Management Advisory Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

### **EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Geraldton-Greenough Local Emergency Management Advisory Committee;
2. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:
 

Tony McCann	DPI
Ted Dickinson	Abrolhos Island Council
Anthony Pirrottina	Geraldton Professional Fisherman's Association
Barry Lapham	Geraldton Volunteer Sea Rescue
Tony Carmichael	Telstra
Kelly Gillen	DEC
Gary Lynch	Bureau of Meteorology
Kerrie Theiss	St John Ambulance
Jeanette Fleay	Australian Red Cross
Capt Martin North	Geraldton Port Authority
Keith Shaw	Department Child Protection
Stephne DeJussing	Water Corporation
Mick Davies	FESA

Tex McPherson                      FESA (CEMO)

3. SET the Terms of Reference of the Geraldton-Greenough Local Emergency Management Advisory Committee that the City is to administer the Local Emergency Management Committee and to ensure that quarterly meetings are held.
4. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
5. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
6. HOLD meetings as required.

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## Part H – City of Greater Geraldton Australia Day Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the City of Greater Geraldton Australia Day Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the City of Greater Geraldton Australia Day Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the City of Greater Geraldton Australia Day Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Commissioner.....
  - d. Reappoint the External Members which are:  
Peter Nelson   Champion Bay Surf Life Saving Club  
Ross Biata     Rotary Club of Geraldton
4. SET the Terms of Reference of the Geraldton-Greenough Australia Day Committee to be that a representative of Rotary Club of Geraldton and Champion Bay surf Life Saving Club meet with Councillor R D Hall to oversee arrangements made by Community Development Officer;
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings as required.

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## Part I – Greater Geraldton Crime Prevention Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. Not RE-ESTABLISH the Geraldton-Greenough Crime Prevention Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the Geraldton-Greenough Crime Prevention Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Geraldton-Greenough Community Grants Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:
 

Bev Davidson	Councillor for Shire of Chapman Valley
Caroline Cream	Department of Education and Training
Charmaine Yeates	Geraldton Community Patrol
David Richardson	Population Health Directorate
Ian Blayney MLA	Member of Geraldton
Jacqueline McGowan-Jones	Department of Indigenous Affairs
Jamie Strickland	Department of Indigenous Affairs
Janette Allen	Geraldton Regional Community Education Centre
Senior Constable Jonine Harrison	Geraldton Police
Senior Constable Kelly Donaldson	Geraldton Police

- 
- |                  |  |
|------------------|--|
| Kelly Eastough   | Midwest Chamber of Commerce and Industry           |
| Kim Travers      | Geraldton Police                                   |
| Leza Radcliffe   | Geraldton Streetwork Aboriginal Corporation        |
| Lou Tatsciore    | Department of Child Protection                     |
| Melanie Zan      | Corrective Services                                |
| Merrilyn Green   | Gunnado Farm                                       |
| Mitchell Dobbie  | Health Department                                  |
| Nicole Emmerson  | Geraldton Regional Community Educational<br>Centre |
| Peter Stephenson | Corrective Services                                |
| Ross Tomasini    | Geraldton Police                                   |
| Terry Hall       | Department of Education and Training               |
| Yvette Tormey    | Department of Education and Training               |
| Vicki Buscumb    | Community Member                                   |
4. SET the Terms of Reference of the Geraldton-Greenough Crime Prevention Committee to be:
    - a. to reduce anti-social behaviour by youth congregating in CBD, West end and public spaces;
    - b. to reduce community harm from excessive use of drugs and alcohol;
    - c. to increase community safety in public places;
    - d. to reduce burglary and break-ins;
  5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  7. HOLD meetings as required.

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## **Part J – Greater Geraldton Community Grants Committee**

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Geraldton-Greenough Community Grants Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the Geraldton-Greenough Community Grants Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Geraldton-Greenough Community Grants Committee;
  2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
  3. APPOINT as members of the Committee:
    - a. Commissioner .....
    - b. Commissioner .....
    - c. Reappoint the External Members which are:
 

Gordon Gray	Indigenous Community
Bill Headley	MidWest Chamber of Commerce & Industry
Richard Malacari	Broader Community
  4. SET the Terms of the Committee to ensure that funds are allocated in accordance to the following criteria which forms the major criteria of the community grants guidelines:
    - a. must be a not for profit incorporated body or be supported by an incorporated body;
    - b. the applicants must also contribute cash or in kind to the project;
    - c. must demonstrate achievable outcomes and clear benefits for the City of Geraldton-Greenough community from the investment;
-

- d. the applicants must be residents of Geraldton-Greenough;
  - e. appropriate accountability processes are in place to satisfy an audit;
  - f. projects have not commenced;
  - g. the committee consisting of 2 commissioners and representatives from Chamber of Commerce, Indigenous Community and broader Community are elected for 2 year period.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council;
  7. HOLD meetings as required.



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## Part K – Greater Geraldton Reconciliation Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Geraldton-Greenough Reconciliation Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the Geraldton-Greenough Reconciliation Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Geraldton-Greenough Community Grants Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:
 

Jacqueline McGowan-Jones	Department	of	Indigenous
	Affairs		
Jamie Strickland	Department	of	Indigenous
	Affairs		
Kevin Merritt			
Leza Radcliffe	Geraldton Streetwork	Aboriginal	Corporation
Lou Tatsciore	Department of	Child Services	
Marie Patten	Geraldton Streetwork	Aboriginal	Corporation
Miranda Rounsevell	Department of	Housing & Works	
Paul Ihanimo	Yamatji	News	

Ronald Shepherd  
Simon Forrest

Injury Control Council  
Department of Education and  
Training

Teneale Derschow  
Yvonne Radcliff  
Vacant

Geraldton Streetwork Aboriginal  
Corporation

4. SET the Terms of Reference of the Geraldton-Greenough Reconciliation Committee to be:
  - a. the Committee has been working towards developing:
    - i. A vision and mission statement;
    - ii. Welcome to Country protocol, procedure and signage;
    - iii. Indigenous Employment Policy; and
    - iv. Reconciliation Action Plan.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings as required.

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## Part L – Public Arts Advisory Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Public Arts Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the Public Arts Advisory Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Public Arts Advisory Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Re-appoint External Members which are:
 

Helen Clarke	Community Artist
James Davies	Regional Art Gallery
Paige Finci	ACDC
Rick McCracken	Senior Community Development Officer
4. SET the Terms of Reference of the Public Arts Advisory Committee to be:
  - a. the role of the Public Art Advisory Committee includes:
    - i. The provision of expert advice to Council; and
    - ii. Identification of opportunities for projects within the:
      - annual City budget;
      - development application to Council;
      - through public and community involvement;

- partnerships within the community and other agencies; and
  - identification of appropriate grant programs;
- iii. where appropriate, the Committee will make determinations about the style and scope of a project and will provide advice to Council;
  - iv. the Committee will provide advice regarding the need or otherwise to contract an art consultant to undertake some or all of the work associated with a project and will prepare scoping documents for the art coordination component; and
  - v. the Committee may sometimes resolve to undertake the coordination of a project from within their ranks. In this case, the coordination of a project from within their ranks. In this case, the committee will be responsible for scoping, budgeting, developing an artwork brief, managing the advertising and selection process, and ensuring a quality outcome is achieved on time and on budget.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  7. HOLD meetings as required.

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## **Part M – Greater Geraldton Regional Art Gallery Management Committee**

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

As per Executive Recommendation.

**Option 2:**

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

1. Not RE-ESTABLISH the representation and appointment of delegates to the Greater Geraldton Regional Art Gallery Management Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Greater Geraldton Regional Art Gallery Management Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Greater Geraldton Regional Art Gallery Management Committee;
2. APPOINT the following delegates to the Greater Geraldton Regional Art Gallery Management Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Re-appoint External members which are:
 

Harold McCashney	Community Member
Cathy Roads	Art Gallery WA
Jo Bunker	Community Member
Tunya Brown	Community Member
Julie Sproule	Art Gallery WA
3. SET the Terms of Reference of the Geraldton-Greenough Regional Art Gallery Management Committee to be:
  - a. to support and promote the Geraldton Regional Art Gallery's vision and mission statements. These are:
    - i. To be a leading regional art gallery in Western Australia and a centre of artistic excellence accessible to all in the Region; and

- ii. To enrich people's lives by providing a diverse high quality visual arts program that is vibrant, thought-provoking and relevant to the people of the region and its visitors.
  - b. through the Geraldton Regional Art Management Committee, ensure that the strategic and operational plans of the Geraldton Regional Art Gallery align with its key stakeholders and consider the expectations of relevant regional communities; and
  - c. to provide for the safety and well being of the staff of the Geraldton Regional Art Gallery including visitors and contractors.
4. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
5. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
6. ATTEND meetings as required.

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## **Part N – Queen Elizabeth II Seniors and Community Centre Advisory Committee**

### **OPTIONS:**

#### **Option 1:**

As per Executive Recommendation.

#### **Option 2:**

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

1. NOT RE-ESTABLISH the Queen Elizabeth II Seniors and Community Centre Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

#### **Option 3:**

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

1. RE-ESTABLISH the Queen Elizabeth II Seniors and Community Centre Advisory Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

### **EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Queen Elizabeth II Seniors and Community Centre Advisory Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint External Members which are:
 

Sue Hunter	Piccadilly Dance Club
Edna Freeman	Over 50's Gentle Gym
Christine Reynolds	Saturday Night Dance Club
Verna Scully	Pensioner Social Club
Eric Shields	Geraldton Probus Club
Allen Wilson	Seniors Action Group
Diana Keighran	Friendly Squares Dance Club
Bill Briggs	Association of Independent Retirees
4. SET and define the Terms of Reference of the Queen Elizabeth II Seniors and Community Centre Advisory Committee to be:
  - a. in the first instance, to provide a facility to accommodate services as required by primary user groups and provide a

- facility to accommodate primary and secondary user groups who use the Centre to meet at regular intervals to discuss their common and particular needs and interests in the Centre;
- b. to develop community awareness of the potential and limitations of these facilities;
  - c. to encourage a co-operative attitude among people who use the facilities so that the most effective use is obtained to the satisfaction of the community generally. To coordinate the use of facilities by all user groups, and to endeavour to provide for requested activities;
  - d. to make recommendations to Council on modifications to and development of these facilities in line with changing community and user needs;
  - e. to provide a means of communication between The City of Geraldton-Greenough and the people who use the Queen Elizabeth II Seniors & Community Centre; and
  - f. to promote the general good of users of the Centre by providing the building and general environment for their promotion of health and well being.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  7. HOLD meetings as required.



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## **Part O – Sister City Economic and Cultural Development Advisory Committee**

### **OPTIONS:**

#### **Option 1:**

As per Executive Recommendation.

#### **Option 2:**

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

1. NOT RE-ESTABLISH the Sister City Economic and Cultural Development Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

#### **Option 3:**

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

1. RE-ESTABLISH the Sister City Economic and Cultural Development Advisory Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

### **EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Sister City Economic and Cultural Development Advisory Committee;
  2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
  3. APPOINT as members of the Committee:
    - a. Commissioner .....
    - b. Commissioner .....
    - c. Reappoint the External Members which are:  
 Representative from Geraldton University Centre  
 Representative from Durack Institute of Technology  
 Representative from Geraldton Port Authority  
 Representative from Combined University Centre for Rural Health  
 Representative from the Mid West Chamber of Commerce & Industry  
 Representative from the Mid West Development Commission  
 Further representatives can be co-opted to the committee at any time, if the Committee sees fit
  4. SETS the Terms of Reference of the Sister City Economic and Cultural Development Advisory Committee to be:
    - a. identifies preferred Sister City candidates, based on the following Principles:
-

- 
- i. the proposed Sister City must be in a country with which the Federal Government of Australia, and/or Government of Western Australia, has a constructive relationship;
      - ii. the City of Geraldton-Greenough will add a maximum of one Sister city each year with a maximum of six ongoing Sister City relationships at any time;
      - iii. geographic concentration of sister cities in one region should be avoided;
      - iv. following analysis by the City of Geraldton-Greenough, proposals must be submitted to the Sister City Economic & Cultural Development Advisory Committee; and
      - v. Sister City relationships should take into account cultural, ethical and/or moral issues pertinent to the community at the time.
    - b. every Sister City relationship under consideration should have a separate Relationship Plan outlining:
      - i. how the relationship would encourage and facilitate economic, socio-cultural and environmental exchanges;
      - ii. identifies the long term goals with the relationship;
      - iii. identifies the key focus areas and partnerships within the community;
      - iv. sets Key Performance Indicators to measure benefits/outcomes;
      - v. Relationship Plan to include a Communications Plan for each relationship, taking into consideration the cultural process of each Sister City under consideration;
      - vi. Annual Report and Review of relationship activities and the relationship plan including an audit of key performance indicators to ensure that the City of Geraldton-Greenough is benefitting from the alliance. The Annual Report to be submitted to Council on an annual basis;
    - c. prior to entering into any official Sister City relationship, the Sister City Economic & Cultural Development Advisory Committee to submit to Council for formal endorsement.
    - d. where a new Sister City relationship is identified, a budget proposal to be developed containing all costs and resource commitments associated with the new relationship, to be submitted to the annual budget process. This should be subject to the annual budget allocation processes of the City of Geraldton-Greenough and treated as a new proposal to be judged on merit alongside all other projects competing for funding through the annual budget process.
  5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  7. HOLD meetings as required.
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## Part P – Greater Geraldton Roadwise Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Greater Geraldton Roadwise Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

**Option 3:**

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

1. RE-ESTABLISH the Greater Geraldton Roadwise Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Greater Geraldton Roadwise Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint External Members which are:
 

Peta Stokes	Regional Road Safety Officer
Roadwise	
Peter Herbert	Network Operation Manager
Main Roads WA	
Valma McCrory	Customer Service Manager
Department of Transport	
Tony McCann	Transport;
Wanda O'Connor	Representative
Mid West Branch CWA	
Joan Cant	Representative
Mid West Branch CWA	
Trina Vasic	Owner Manager
Mid West Driving School	
Russel Hayes	Regional Director
FESA	

- 
- |                                |                          |
|--------------------------------|--------------------------|
| Kate McConkey                  | Regional Officer         |
| SDERA                          |                          |
| Liz O'Neill                    | Health Promotion Officer |
| Population Health Directorate; |                          |
| Inspector Robert Kirby         | WA Police                |
| Sergeant Paul Matthews         | WA Police                |
| Ian Blayney MLA                | Member for Geraldton     |
4. ABIDE by the Terms of Reference as set by the RoadWise Committee to be:
    - a. the Western Australian Local Government Associations RoadWise programs' main objective is to prevent and reduce deaths and serious injuries on local roads;
    - b. the quorum for any meeting of the RoadWise Committee is at least 50% of the number of member positions prescribed on the Committee, whether vacant or not;
    - c. frequency of RoadWise Committee meetings is a matter for determination by the Committee;
  5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
  6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
  7. HOLD meetings as required.
-

## **Part Q – 5<sup>th</sup> Element Project Implementation Committee**

### **OPTIONS:**

#### **Option 1:**

As per Executive Recommendation.

#### **Option 2:**

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

1. NOT RE-ESTABLISH the 5<sup>th</sup> Element Project Implementation Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council

#### **Option 3:**

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

1. RE-ESTABLISH the 5<sup>th</sup> Element Project Implementation Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

### **EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the 5<sup>th</sup> Element Project Implementation Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint External Members which are:
    - Nominee from the RSL
    - Nominee from the Naval Association
    - Mr Don Rolston (Rotary Club of Geraldton)
    - Mr Kevin Green (Rotary Club of Geraldton)
4. SETS the Terms of Reference of the 5<sup>th</sup> Element Project Implementation Committee to be:
  - a. to finalise design and engineering for the project with Smith Sculptors;
  - b. to oversee the management of the project;
  - c. provide quarterly reports to Council.
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;

6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings as required.

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## Part R – Heritage Advisory Committee

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Heritage Advisory Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. RE-ESTABLISH the Heritage Advisory Committee with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Heritage Advisory Committee;
2. ADOPT the Terms of Reference of the Committee as denoted in the attachment;
3. APPOINT as members of the Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:
    - 1 x representative from each community museum, with no individual to represent more than one museum;
    - 2 x Community Representatives;
    - 1 x Mid West Heritage Advisor (ex-officio);
    - 1 x Aboriginal Heritage Representative (ex-officio);
    - 1 x Manager, WA Museum, Geraldton (ex-officio);
    - 1 x National Trust Representative (ex-officio);
    - City of Geraldton-Greenough staff as required (they would be ex-officio);
    - 1 x member from the Geraldton Greenough Historical Society;
4. ABIDE by the Terms of Reference as set by the Heritage Advisory Committee to be:
  - a. Oversee the Heritage Policy
  - b. Report to Council on matters relating to the Heritage Policy; and
  - c. Advise Council on Heritage Matters

5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Committee;
6. DEFINE the tenure of the Committee as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings as required.



**Part S – West Australian Regional Cities Alliance Committee****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the West Australian Regional Cities Alliance Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the West Australian Regional Cities Alliance Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the West Australian Regional Cities Alliance Committee;
2. APPOINT the following delegates to the West Australian Regional Cities Alliance Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint External Members which are:
    - Mayor of the City of Albany
    - Mayor of the City of Bunbury
    - Mayor of the City of Kalgoorlie-Boulder
3. SET the terms of Reference of the Committee as being:
  - d. The Alliance parties work collaboratively to achieve the future sustainable development of the State of Western Australia;
  - e. The Alliance is accepted as a legitimate and respected grouping within the arrangements resulting from the current Local Government Structural Reform process;
  - f. All significant matters impacting upon regional cities are referred to the Western Australian State Cabinet for review;
  - g. That appropriate allocations will be directed to regional cities in Roads to Recovery (R2R) funding in recognition of their higher infrastructure and service provision requirements;

- h. That the emergence of the Alliance Cities occurs in a balanced fashion, recognising the infrastructure needs and associated funding requirements of sub-regional centres within their hinterlands;
  - i. The Alliance Cities evolve into fully-fledged alternatives to the Perth Metropolitan Area as locations for the growing population of the State;
  - j. The State's future population growth and its associated demands for social, economic and environmental amenity are distributed in a sustainable fashion. The Alliance believes that a realistic target is for 50% of the projected population growth to occur in regional areas, with 25% to be located in regional cities;
  - k. The Alliance is positioned and resourced to represent the interests of its members and to enable synergies at operational and strategic levels;
  - l. There is the capability for two further regional cities from the Pilbara and/or the Kimberley regions respectively to join the Alliance;
  - m. There are regular opportunities for engagement, representation and dialogue with and between:
    - i. The Premier, the Minister for Regional Development, other Ministers as relevant and Mayors of the Alliance member Cities;
    - ii. Senior Government Officers and Ministerial Advisors, and Chief Executive Officers of the Alliance member Cities;
4. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
  5. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
  6. ATTEND meetings as required.

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## **Part T – Greater Geraldton City Region Alliance Governance Group**

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the Greater Geraldton City Region Alliance Governance Group; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. RE-ESTABLISH the Greater Geraldton City Region Alliance Governance Group with the following changes ;
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the Greater Geraldton City Region Alliance Governance Group;
2. ADOPT the Terms of Reference of the Group as denoted in the attachment;
3. APPOINT as members of the Group:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint External Members which are:
    - Community representatives x 2
    - Indigenous community representative
    - Chair or Board Member Mid West Development Commission
    - Chair or Board Member Mid West Chamber of Commerce and Industry
    - Chair of Board Member Geraldton Port Authority
    - Chair of Board Member Geraldton Iron Ore Alliance
    - Councillor Shire of Chapman Valley
    - Chair or Board Member Western Australian Planning Commission
    - Member for Geraldton, Mr Ian Blayney MLA
    - Chair or Board Member Northern Agricultural Catchment Council
    - Chair or Board Member Regional Development Australia
    - Editor of the Geraldton Guardian Newspaper

4. SET the Terms of Reference of the Greater Geraldton City Region Alliance Governance Group to be:
  - d. keep their representative organisations informed of and involved in the Sustainable Future City Region project;
  - e. review and advise the technical and working groups on the design and implementation of the Sustainable Future City Region project;
  - f. provide data, information and expertise vital to the development of the Sustainable Future City vision, plan and related outputs;
  - g. review and advise on the content of the Sustainable Future City Region vision, plan and related outputs;
  - h. endorse the Sustainable Future City Region vision statement and action plan;
  - i. to promote and support the implementation of the Sustainable Future City Region vision and plan;
  - j. promote engagement of their own organisations in plan implementation;
5. APPOINT the Chief Executive Officer or his delegate as the Executive Support and Coordinator of the Group;
6. DEFINE the tenure of the Group as expiring on the 15 October 2011 or as determined by Council; and
7. HOLD meetings as required.

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## **Part U – Mullewa Tourist Committee**

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

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Mullewa Tourist Committee; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Mullewa Tourist Committee; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Mullewa Tourist Committee;
2. APPOINT the following delegates to the Mullewa Tourist Committee:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the External Members which are:  
 Chairperson—Glenn Bryant  
 Secretary– Shirley Flynn  
 Treasurer—Bev Crudeli  
 Barb Thomas  
 Tony Fraser  
 Heather Reynolds  
 Josephine Docherty  
 Dolores Bone
3. SET the Terms of Reference of the Mullewa Tourist Committee to be:
  - a. providing visitors and members of the community access to the a variety of information technology and office equipment and room hire options;
  - b. providing access to Computer and Internet;
  - c. provide free access to online Government services as well as a selection of brochures on Government services;
  - d. providing access to TransWA Agent;
  - e. providing access to Medicare easyclaim service;
  - f. providing access to Educational and lifestyle courses;

- g. producing the local monthly newspaper 'Mullewa Mail';
  - h. providing access to tourist information;
4. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
  5. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
  6. ATTEND meetings as required.

**Part V – Mullewa Community Trust****OPTIONS:****Option 1:**

As per Executive Recommendation.

**Option 2:**

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

1. NOT RE-ESTABLISH the representation and appointment of delegates to the Mullewa Community Trust; and
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

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

1. DEFER the re-establishment of representation and appointment of delegates to the Mullewa Community Trust; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

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

1. RE-ESTABLISH the representation on the Mullewa Community Trust;
2. APPOINT the following delegates to the Mullewa Community Trust:
  - a. Commissioner .....
  - b. Commissioner .....
  - c. Reappoint the external members which are:  
Mullewa Community member  
Mount Gibson Iron Representative
3. SET the Terms of Reference of the Mullewa Community Trust to be:
  - a. Disbursement from the Structural Adjustment Fund shall only be made for public benefit of the Mullewa District
4. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
5. DEFINE the appointment of delegates as expiring on the 15 October 2011 or as determined by Council; and
6. ATTEND meetings as required.

**CS007 VOTING DELEGATES FOR THE 2011 WALGA ANNUAL GENERAL MEETING**

<b>AGENDA REFERENCE:</b>	<b>11/062891</b>
<b>AUTHOR:</b>	<b>C Wood, Director of Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>22 June 2011</b>
<b>FILE REFERENCE:</b>	<b>GR/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>Nil</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this item is to advise Commissioners of the upcoming 2011 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 new City of Greater Geraldton.

**PROPONENT:**

City of Greater Geraldton.

**BACKGROUND:**

The 2011 Annual General Meeting for the WALGA will be held on 6 August 2011. 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.

A request has been made by councillors of the former Shire of Mullewa for consideration to be given to those ex-councillors who may wish to attend the Local Government Convention and Annual General Meeting in addition to the City of Greater Geraldton's official voting delegates and current Commissioners who may attend.

Consideration may also need to be given to former City of Geraldton-Greenough councillors who may wish to attend.

However, it should be noted that the former councillors of the City of Geraldton-Greenough and Shire of Mullewa cease to be councillors on 30 June.

**COMMUNITY CONSULTATION:**

No community consultation is necessary.

**COUNCILLOR/OFFICER CONSULTATION:**

The former Councils of the City of Geraldton-Greenough and the Shire of Mullewa have endorsed the following former councillors and now current commissioners to represent the City of Greater Geraldton:



Commissioner Ian Carpenter  
Commissioner Nino Messina  
Commissioner Neil McIlwaine (proxy voting delegate)  
Commissioner Barbara Thomas (proxy voting delegate)

**STATUTORY IMPLICATIONS:**

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

Division 2 Section 2.10 of the Local Government Act 1995.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The approximate cost of the City's attendance at the 2011 WALGA Annual General Meeting is \$1500 travel and accommodation costs per delegate. There is no registration fees associated with attending the Annual General Meeting however, if voting delegates chose to attend the Local Government Convention there will be an additional cost of \$1250 per delegate.

The approximate cost of each registered attendee at the Local Government Convention is \$2750. This includes \$1250 registration fee and \$1500 travel and accommodation expenses.

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

Key Result Area 4: Leading the Opportunities.

Outcome 4.1: Leadership in organisation and the community.

Strategy 4.1.2: Develop and empower the Council..

**Regional Outcomes:**

The WALGA Annual General Meeting is a good opportunity to represent communities in Geraldton, Greenough and Mullewa.

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

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural or heritage issues.

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**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority is required.

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

As per Executive Recommendation in this report.

**Option 2:**

That the Council of Commissioners by Simple Majority pursuant to the WALGA Constitution and Division 2, Section 2.10 of the Local Government Act 1995 RESOLVES to:

1. DEFER the decision to nominate voting delegates for the 2011 WALGA Annual General Meeting;
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

That the Council of Commissioners by Simple Majority pursuant to the WALGA Constitution and Division 2, Section 2.10 of the Local Government Act 1995 RESOLVES to:

1. NOT NOMINATE Commissioners Ian Carpenter and Nino Messina to represent the City of Greater Geraldton as voting delegates at the 2011 WALGA Annual General Meeting;
2. NOT NOMINATE Commissioners Neil McIlwaine and Barbara Thomas to represent the City of Greater Geraldton as proxy voting delegates at the 2011 WALGA Annual General Meeting;
3. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**CONCLUSION:**

The former City of Geraldton-Greenough and Shire of Mullewa endorsed the nomination of Commissioner Ian Carpenter and Commissioner Nino Messina to represent the City of Greater Geraldton at the WALGA Annual General Meeting.

Nominations for the Annual General Meeting and registrations for the Local Government Convention close on 11 July 2011.

**EXECUTIVE RECOMMENDATION:**

That the Council of Commissioners by Simple Majority pursuant to the WALGA Constitution and Division 2, Section 2.10 of the Local Government Act 1995 RESOLVES to:

1. NOMINATE Commissioners Ian Carpenter and Nino Messina to represent the City of Greater Geraldton as voting delegates at the 2011 WALGA Annual General Meeting;
2. NOMINATE Commissioners Neil McIlwaine and Barbara Thomas to represent the City of Greater Geraldton as proxy voting delegates at the 2011 WALGA Annual General Meeting;
3. APPROVE the attendance of the following former local government councillors at the Local Government Convention and WALGA Annual General Meeting;
  - a. To be determined by Council;
4. AUTHORISE the registration and reimbursement of travel expenses of former local government councillors of the City of Geraldton-Greenough and the Shire of Mullewa as at 30 June 2011 at \$2750 per delegate, attending the Local Government Convention and WALGA Annual General Meeting.

**CS008 ORDINARY LOCAL GOVERNMENT ELECTIONS 2011**

<b>AGENDA REFERENCE:</b>	<b>11/062893</b>
<b>AUTHOR:</b>	<b>C Wood, Director Corporate Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director of Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>22 June 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/0045</b>
<b>APPLICANT / PROPONENT:</b>	<b>WA Electoral Commission</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

The City has received advice that the inaugural ordinary elections will be held on 15 October 2011. The new district of the City of Greater Geraldton comprises seven (7) wards.

Fourteen (14) councillors and one (1) Mayor will be elected with two (2) councillors representing each ward. Each term will be for a period of four (4) years. The Mayor will be appointed by popular election and will not represent an individual ward.

The vacancies for the 2011 Local Government ordinary elections for the City of Greater Geraldton will be:

- 1 vacancy – Mayor, popularly elected
- 2 vacancies – Mullewa Ward
- 2 vacancies – Chapman Ward
- 2 vacancies – Hills Ward
- 2 vacancies – Tarcoola Ward
- 2 vacancies – Port Ward
- 2 vacancies – Willcock Ward
- 2 vacancies – Champion Bay Ward

**PROPONENT:**

Warwick Gately AM, Electoral Commissioner, WA Electoral Commission (WAEC), Perth.

**BACKGROUND:**

Council is required to decide whether the ordinary election of local government council members on Saturday 15 October 2011 will be conducted by an In-Person vote method or by a Postal vote method.

As voting is non-compulsory, electors are not required to attend and therefore, historically, response rates of In-Person voting have been low. In previous years ordinary elections have been conducted using the Postal voting method as this generates a greater participation rate amongst voters. Should the City choose this method for 2011, in accordance with section 4.20(4) of the Local Government Act 1995, it will appoint the Electoral Commission to be responsible for the process.

**COMMUNITY CONSULTATION:**

No community consultation is required.

**COUNCILLOR/OFFICER CONSULTATION:**

No councillor/officer consultation is required.

**STATUTORY IMPLICATIONS:**

Part 4 - Elections and other polls, Division 3 – Ordinary Elections of the Local Government Act 1995.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The WAEC has advised that their estimate to undertake the 2011 postal elections will be approximately \$75,000 (incl GST). Additional electoral expenditure of \$10,000 will be set aside to also cover any local advertising and promotion, hire costs and some staff costs. This will be budgeted for the 2011/12 financial year.

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

Key Result Area 4:      Leading the Opportunities

Outcome 4.1:            Leadership in organisation and the community

Strategy 4.1.2:        Develop and Empower the Council

**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 or heritage issues.

**RELEVANT PRECEDENTS:**

Historically, the postal voting method has been adopted to conduct ordinary elections.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority is required if the City decides to conduct a Postal election.

Simple Majority is required should the City decide to conduct an In-person election.

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

As per Executive Recommendation in this report.

**Option 2:**

That the Council of Commissioners by Simple Majority as per section 4.61 of the Local Government Act 1995, counter to the Executive Recommendation, RESOLVES to:

1. CONDUCT the 2011 Local Government ordinary election by way of In-person voting;
2. APPOINT the CEO as Returning Officer for the 2011 ordinary election; and
3. ADVISE the Western Australian Electoral Commission of its decision.

**Option 3:**

That the Council of Commissioners by Simple Majority RESOLVES to DEFER the decision.

**CONCLUSION:**

Previous years' Council decisions to appoint the Western Australian Electoral Commissioner to conduct Postal elections have proven effective.

**EXECUTIVE RECOMMENDATION:**

That the Council of Commissioners by Absolute Majority as per section 4.20(4) and 4.61(2) of the Local Government Act 1995 RESOLVES to:

1. APPOINT the Western Australian Electoral Commissioner as being responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may be required; and
2. DECIDE that the method of conducting the election will be as a postal election.

CS009	ADOPTION OF THE CITY OF GREATER GERALDTON 2011-2012 FINANCIAL BUDGET
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<b>AGENDA REFERENCE:</b>	<b>11/062939</b>
<b>AUTHOR:</b>	<b>K Chua, Manager Financial Services</b>
<b>EXECUTIVE:</b>	<b>C Wood, Director Corporate Services</b>
<b>DATE OF REPORT:</b>	<b>23 June 2011</b>
<b>FILE REFERENCE:</b>	<b>FM/0025</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The purpose of this item is to seek adoption of the 2011/12 Financial Budget for the City Greater Geraldton.

**PROPONENT:**

City of Greater Geraldton.

**BACKGROUND:**

As part of the function of local government and its operations, the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt each year its budget to enable the administration to carry out the defined services and programmes and to raise revenue through rates and fees and charges.

This budget is an amalgamation of the Shire of Mullewa and the City of Geraldton-Greenough 2011-12 budgets which have both been endorsed by the respective councils.

The 2011/12 budget for the City of Greater Geraldton incorporates the following items:

1. Financial Sustainability Policy
2. 2011/12 Capital Works
3. 2011/12 Fees Charges
4. Consolidation of Reserves
5. 2011/12 Budget Principles and Rating

1. Financial Sustainability Policy

The Financial Sustainability policy has been developed to ensure the progression of the City of Greater Geraldton towards achieving financial sustainability. The Policy has been drafted to reinforce Council's commitment to financial sustainability and sets out ratios and principles which will be used by the City to achieve this goal. Financial sustainability is important for the City to be able to provide services and facilities to a growing community and meet the needs of its residents in the future.

## 2. 2011/12 Capital Works

The 2011/12 Capital Works program totals \$40.6M and provides for a number of significant projects which will provide improved services and facilities to the community.

Major projects include:

- a. Place Road/Flores Road intersection - \$1.9m;
- b. Eadon Clarke upgrade - \$3.0;
- c. Stormwater efficiency - \$1.0m;
- d. Eastern Breakwater development - \$3.6m;
- e. Southern suburb sporting development - \$4.5m
- f. Airport parking - \$1.07m;
- g. Meru waste facility - \$2.6m
- h. Mullewa sewerage system pit - \$127,000
- i. Mullewa swimming pool stage III - \$230,000
- j. Mullewa Town Hall roof - \$118,000
- k. Mullewa Recreation Centre Improvements - \$120,000

## 3. Fees and Charges

The majority of the fees and charges have been prepared with a general increase of 7.6%. Where appropriate, the actual cost of providing the service is used or benchmarking has been undertaken with other local governments. Fees and charges associated with town planning, health and building have all been increased as per relevant legislation. The Mullewa fees and charges have been incorporated into this document and where a fee or charge is different to that of Geraldton it has been denoted as such.

## 4. Consolidation of Reserves

The Financial Sustainability Policy recommends the consolidation of the City's reserve accounts to no more than 20 reserves. Currently the City and the Shire have 52 reserve accounts and it is recommended that these be reduced to a maximum of 20. The retention of small amounts in reserves restricts the ability to pool funds to make the most effective use of those funds. By establishing broader scoped reserves, the City will be able to use a greater level of funds on projects. Reserves will be retained where required by legislation, to secure surplus funds for business units, to set aside funds rated for a specific purpose e.g. asset renewal, and where funds have been allocated for a specific project. There will be no loss of funds in the reserves, this process is only to reduce the number of reserve accounts to a more manageable and efficient level.

Where appropriate, Mullewa reserves will be incorporated into like reserves in the City e.g. employee leave entitlement, plant replacement reserve.



There will be two new reserves established for the Mullewa funds and these relate to the funds received from the Mount Gibson mine.

## 5. Budget Principles and 2011-12 Rating

The budget principles attached provides detail to the 2011-12 budget. The primary focus of these principles is to improve the City's financial position over the coming years.

### 5.1 Budget Result

The 2011-12 Budget as submitted incorporates a deficit of \$565,015 for the period ending 30 June 2011. This is based on a differential rates model whereby there is a 7.6% increase on rates for residential GRV and all unimproved value properties and on non-residential (commercial) GRV properties for the Geraldton area and a 4.0% increase on townsites and unimproved value properties in Mullewa. An additional 1.75% rates charge applies to a specified area rate that is also applicable to commercial properties within the Geraldton City Centre, Marina Mixed Use and Additional Use City Centre zones.

### 5.2 Rate Increase

The 7.6% increase in the rates for Geraldton is made up of:

- CPI – 3.75%
- Asset Renewal Gap – 2.5%
- Asset Development – 1.35%

This increase has been endorsed by the former City of Geraldton-Greenough Council and is in line with the former City's adopted plan in 2010/11.

The figure of 3.75% for CPI is an indicative rate applied. It does not reflect the actual assessed impact of price inflation on the City's operations which has been calculated as being 5.5%. The effect of having a lower indicative rate means the City has to budget and provide services on reduced real terms of the revenue available.

Significant items affecting the CPI increase in 2011/12 are the increases to utility costs. Increases are expected in the following areas:

- Gas – 6.5%
- Water – 10%
- Electricity – 10.5%
- Street Lighting – 30%

### **COMMUNITY CONSULTATION:**

No community consultation was undertaken.

**COUNCILLOR/OFFICER CONSULTATION:**

The Shire of Mullewa and the City of Geraldton-Greenough councillors have had input into the budgets of each respective area and have endorsed the individual budgets.

**STATUTORY IMPLICATIONS:**

Section 6.2 of the Local Government Act 1995.

**POLICY IMPLICATIONS:**

It is recommended that a new policy for the City's commitment to financial sustainability be considered in this process.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Full details of the budget are contained within the attached documents.

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

Key Result Area 4: Leading the Opportunities.

Outcome 4.4: Achieving and exceeding Statutory Compliance.

Strategy 4.4.2: Implement a five year budget.

**Regional Outcomes:**

There are no specific regional outcomes as a result of the budget however projects contained therein will have some benefits for the broader region.

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

Various strategies and initiatives included in the budget will contribute to the region's economy.

**Social:**

Various strategies and included in the budget will create and improve social outcomes in the community.

**Environmental:**

Various strategies and initiatives included in the budget will examine and support environmental programs and resourcing.

**Cultural & Heritage:**

Various strategies and included in the budget will create and improve cultural and heritage outcomes in the community.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

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There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority is required.

**CONCLUSION:**

The 2011/12 budget is a continuation of the progress towards financial sustainability and will provide the City with the funds required to provide services and facilities to a growing community.

**PART A – FINANCIAL SUSTAINABILITY POLICY**

**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 CP 023 Financial Sustainability Policy; and
2. MAKES the determination based on the following reason:
  - b. 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. ADOPT CP 023 Financial Sustainability Policy with the following changes:
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to ADOPT CP 023 Financial Sustainability Policy.

**PART B – 2011-12 CAPITAL WORKS****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 ADOPT the 2011-2012 Capital Works budget; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

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

1. ADOPT the 2011–2012 Capital Works budget with the following changes:
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 6.2 of the Local Government Act 1995 RESOLVES to ADOPT the 2011-2012 Capital Works budget.

**PART C – 2011-12 FEES AND CHARGES****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 ADOPT the 2011-2012 Fees and Charges schedule; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

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

1. ADOPT the 2011–2012 Fees and Charges schedule with the following changes:
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 6.2 of the Local Government Act 1995 RESOLVES to ADOPT the 2011-2012 Fees and Charges.

**PART D – CONSOLIDATION OF RESERVES****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority, pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. NOT ADOPT the consolidation of reserves; and
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**Option 3:**

That Council by Absolute Majority, pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the consolidation of reserves with the following changes:
  - a. To be determined by Council.
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**EXECUTIVE RECOMMENDATION:****PART 1**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. CANCEL the following reserves:
    - a. Reserve 140 - Boat Launching Facilities Reserve
    - b. Reserve 150 - Cape Burney Buy Back (Leasehold) Reserve
    - c. Reserve 160 - Cape Burney community Infrastructure Reserve
    - d. Reserve 180 - Chapman River Regional Park Reserve
    - e. Reserve 190 - City Building Construction Reserve
    - f. Reserve 220 – City Centre Foreshore Redevelopment Reserve
    - g. Reserve 260 – Drummond Cove Clean Up Bonus Reserve
    - h. Reserve 270 – Drummond Cove Foreshore Reinstatement Reserve
    - i. Reserve 280 - Drummond Cove Tenure Payment Reserve
    - j. Reserve 360 – Land Acquisition Reserve
    - k. Reserve 385 – Major Projects and Initiative Reserve
    - l. Reserve 390 – Marina Development Reserve
    - m. Reserve 460 – Point Moore Infrastructure Reserve
    - n. Reserve 530 – Separation Point Enhancement Reserve
    - o. Reserve 560 – Subdivisional Deferred Works Reserve;
    - p. Mullewa Building Reserve; and
  2. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserves into Reserve 110 – Asset Development (Capital Works Program) Reserve.
-

**PART 2**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. CANCEL the following reserves:
  - a. Reserve 120 – Aquarena Reserve
  - b. Reserve 130 – Art Gallery Reserve
  - c. Reserve 170 – Central Greenough (Hamlet) Reserve
  - d. Reserve 200 – City Building Maintenance Reserve
  - e. Reserve 210 – City Centre Foreshore Building Maintenance Reserve
  - f. Reserve 290 – Electronic Equipment and IT Reserve
  - g. Reserve 370 - Library Reserve
  - h. Reserve 375 – Lighting Reserve
  - i. Reserve 420 – Museums Reserve
  - j. Reserve 440 – Parking Ticket Machine Reserve
  - k. Reserve 470 – Public Art Maintenance and Refurbishment Reserve
  - l. Reserve 480 – Queens Park Theatre Reserve
  - m. Reserve 490 - Recreational Grounds Reserve
  - n. Reserve 500 – Reticulation Reserve; and
2. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserves into Reserve 120 – Asset Renewal Reserve.

**PART 3**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. CANCEL Reserve 510 – Rubbish Reserve; and
2. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserve into Reserve 260 – Rubbish Tip (Flores Road) Reserve.

**PART 4**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. ESTABLISH Reserve 270 – Strategic Initiatives Reserve - for the purpose of providing funding towards any strategic projects or initiatives so identified within any strategic document adopted by the City of Greater Geraldton; and
2. CANCEL the following reserves:
  - a. Reserve 230 – City Marketing Reserve
  - b. Reserve 240 – Contingency Reserve
  - c. Reserve 340 – Grant Contribution Reserve
  - d. Reserve 380 - Local History Publishing Reserve
  - e. Reserve 540 – Small Sport and Recreation Loans Reserve
  - f. Reserve 550 – Strategic Planning and Reviews Reserve
  - g. Reserve 570 – Sustainable Energy Initiatives Reserve; and
3. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserves into Reserve 270 – Strategic Initiatives Reserve.

**PART 5**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. ESTABLISH Reserve 250 – Risk Management Reserve – for the purpose of funding prior years insurance premium contingencies, the self-insured element of insurance claims and risk reduction initiatives or projects;
2. CANCEL the following reserves:
  - a. Reserve 250 – Disability Plan Reserve
  - b. Reserve 330 – Fire Control Reserve
  - c. Reserve 350 – Insurance Contingency Reserve; and
3. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserves into Reserve 250 – Risk Management Reserve.



**PART 6**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. ESTABLISH Reserve 280 – Unexpended Capital Works and Restricted Grant Reserve - for the purpose of restricting grant funds unspent in the financial year they were received including any tied contribution from the City plus unexpended capital works to be carried over to the next financial year; and
2. CANCEL the following reserves:
  - a. Reserve 295 – Ellendale Pool Reserve
  - b. Reserve 495 – Restricted Grants Reserve;
  - c. Mullewa Unspent Grants Reserve; and
3. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserves into Reserve 280 – Unexpended Capital Works and Restricted Grant Reserve.

**PART 7**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. CANCEL Mullewa Employee Leave Reserve; and
2. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserve into Reserve 140 – Employee Leave Entitlement Reserve.

**PART 8**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. CANCEL Mullewa Aerodrome Reserve; and
2. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserve into Reserve 100 – Airport Reserve.

**PART 9**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

1. CANCEL Mullewa Plant Reserve; and
2. INCORPORATE the closing balances as at 30 June 2011 (as determined after the finalisation of the annual financial statements) of the above reserve into Reserve 240 – Plant Replacement Reserve.

**PART 10**

That Council by Absolute Majority pursuant to Section 6.11 of the Local Government Act 1995 RESOLVES to:

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1. ESTABLISH Reserve 190 – Mullewa Community Trust Reserve – for the purpose of providing funding towards any projects or initiatives that support the recreational, social or cultural needs of the Mullewa Community; and
2. ESTABLISH Reserve 200 – Mullewa Reseal Reserve – for the purpose of compliance with Clause 14.2 of the public road access agreement between the Shire of Mullewa and Mount Gibson Mining Ltd; and
3. CANCEL Mullewa Service Gratuity Reserve.

**PART E –BUDGET PRINCIPLES AND RATING****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority, pursuant to Section 6.2 (1) of the Local Government Act 1995 RESOLVES to:

## 1. ADOPT

- a. \_\_\_\_\_% increase for Geraldton residential GRV;
  - b. \_\_\_\_\_% increase for Geraldton non-residential GRV;
  - c. \_\_\_\_\_% increase for Geraldton farming UV, mining tenements and UV urban;
  - d. A minimum rate for both Geraldton UV and GRV of \$\_\_\_\_\_;
  - e. A minimum rate for Vacant Residential land of \$\_\_\_\_\_;
  - f. A specified area rate of \_\_\_\_\_% increase for City Centre and Marina Mixed Use zoned properties to fund CBD parking facilities
  - g. \_\_\_\_\_% increase for Mullewa UV Agriculture;
  - h. \_\_\_\_\_% increase for Mullewa Townsite GRV;
  - i. \_\_\_\_\_% increase for Pindar Townsite GRV;
  - j. \_\_\_\_\_% increase for Mullewa Mining UV;
  - k. A minimum rate for Mullewa UV Agriculture of \$\_\_\_\_\_;
  - l. A minimum rate for Mullewa Townsite GRV of \$\_\_\_\_\_;
  - m. A minimum rate for Pindar Townsite GRV of \$ \_\_\_\_\_; and
  - n. A minimum rate for Mining UV of \$\_\_\_\_\_.
2. ACKNOWLEDGES that by adopting a lesser rate it will have a revenue reduction of \$\_\_\_\_\_in 2011-12 and a cumulative impact of \$\_\_\_\_\_over a five year period; and
3. REMOVE the following projects from the 2011-12 Budget:
- a. To be determined by Council. <list projects or accounts to be removed>

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

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

1. ADOPT the following differential rating model against the valuations supplied by Landgate (as amended) as at 30 June 2011 in accordance with Section 6.32 of the Act:

Geraldton GRV Vacant Residential	(7.6% increase)	16.5555c:\$
Geraldton GRV Residential	(7.6% increase)	9.5809c:\$
Geraldton GRV Non Residential	(7.6% increase)	9.6502c:\$
Geraldton UV Agricultural General	(7.6% increase)	0.5389c:\$
Geraldton UV Mining Tenements	(7.6% increase)	0.5389c:\$
Geraldton UV Urban	(7.6% increase)	0.5389c:\$
Mullewa GRV Mullewa Townsite	(4% increase)	10.7432c:\$
Mullewa GRV Pindar Townsite	(4% increase)	13.8362c:\$
Mullewa UV Agriculture	(4% increase)	0.8974c:\$
Mullewa UV Mining	(4% increase)	22.7136c:\$

2. ADOPT for 2011-12 in accordance with Section 6.32 of the Act the minimum rates for the City of Greater Geraldton as:
  - a. Geraldton Gross Rental Valuation Vacant Residential properties \$834 per assessment;
  - b. Geraldton Gross Rental Valuation Residential (excluding vacant residential) properties \$830 per assessment;
  - c. Geraldton Gross Rental Valuation Non Residential properties \$830 per assessment;
  - d. Geraldton Unimproved Valuation properties \$830 per assessment;
  - e. Mullewa Gross Rental Valuation Mullewa Townsite properties \$334 per assessment;
  - f. Mullewa Gross Rental Valuation Pindar Townsite properties \$90 per assessment;
  - g. Mullewa Unimproved Valuation Agriculture General properties \$250 per assessment; and
  - h. Mullewa Unimproved Valuation Mining Tenement properties \$300 per assessment.
3. ADOPT the specified area rating against the valuations supplied by Landgate (as amended) as at 30 June 2011 in accordance with Section 6.32 of the Act:

City Centre, Marina Mixed Use and Additional Use City Centre zone (additional 1.75% equivalent increase for commercial properties only)	0.4545c:\$
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**Part B**

That Council by Absolute Majority in accordance with Section 6.2(1) of the Local Government Act 1995 RESOLVES to:

1. IMPOSE no service charge on land for 2011-12;
2. RAISE a charge of \$10 per assessment for 2011-12 whereby the ratepayer has elected to pay their rates by instalments and in addition apply a 5.5% interest rate charge in accordance with Section 6.45(3) of the Act;
3. PROVIDE the option for ratepayers to pay their rates as a single payment or by 2 or 4 equal instalments in accordance with Section 6.45(1) of the Act;
4. NOT PROVIDE any discount for early payment of rates however endorse and acknowledge the rates incentive prize donors for their assistance in collecting the rates early:
  - a. Commonwealth Bank of Australia;
  - b. The Goodearth Hotel;
  - c. Perth Ambassador Hotel;
  - d. Tint-a-Car;
  - e. Indah health + Beauty Spa; and
  - f. Corporate Express;
5. ENDORSE the rates set by FESA for Category 2 and 5 regions for 2011-12 and apply these rates on rate assessments against valuations from Landgate;
6. NOT PROVIDE concessions or relief:
  - a. To any privately owned sporting or recreational grounds, however Council will consider, by way of a donation, an amount equivalent to the rates levied to:
    - i. WA Rifle Association Incorporated;
    - ii. Geraldton Hot Rod Club;
    - iii. Macedonia Society; and
    - iv. Greenough Farmers Club.
  - b. To any other ratepayer for their rates or service charges.
7. PROVIDE an exemption A61234 Geraldton Streetwork Aboriginal Corporation (Gunnado) by virtue of Section 6.26(2)(g) of the Act;
8. ISSUE rates instalment notices as soon as practicable with instalment due dates being no less than two months apart from the date of the first instalment becoming due in accordance with Section 6.50 of the Act;
9. CHARGE an interest rate of 11% on any outstanding rates and service charges that remain overdue as described in accordance with Section 6.51 of the Act.

**Part C**

That Council by Absolute Majority in accordance with Section 6.2(1) of the Local Government Act 1995 RESOLVES to:

1. APPROVE the Mayor's annual local government allowance of \$60,000 in accordance with Section 5.98(5) of the Act;
2. APPROVE the Deputy Mayor's annual local government allowances of \$15,000 in accordance with Section 5.98A of the Act;
3. APPROVE the annual fees for every other Member of Council (excluding the Mayor) in accordance with Section 5.99 of the Act to \$7,000;
4. ADOPT a reporting variance of greater than \$50,000 or 10% as per AASB 1031 and Local Government (Financial Management) Regulations 1996, Regulation 34;
5. ADOPT the City's Significant Accounting Policy as indicated on pages 8-14 in the statutory document effective 1 July 2011;
6. ADOPT a provision of interest to be applied on outstanding debts exceeding 35 days after date of invoice at a rate of 11% per annum in accordance with Section 6.13 of the Act;
7. ADOPT the new loan debenture program as outlined in accordance with Section 6.20(4) of the Act;
8. ADOPT the Budget Principles as attached; and
9. ADOPT the 2011-12 Budget for the City of Greater Geraldton.

### 11.3 *Reports of Sustainable Communities*

SC001	ADOPTION OF VARIOUS LOCAL PLANNING POLICIES
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<b>AGENDA REFERENCE:</b>	<b>11/062819</b>
<b>AUTHOR:</b>	<b>N Browne, Senior Statutory Planner</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>09 June 2011</b>
<b>FILE REFERENCE:</b>	<b>LP/0012</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

#### **SUMMARY:**

Given the recent amalgamation of the City of Geraldton-Greenough and the Shire of Mullewa and in light of legal advice received, the local planning policies of the former City of Geraldton-Greenough are required to be adopted by Council within the district of the former Shire of Mullewa. This report recommends the adoption of the local planning policies (included as Attachment No. SC001) for the purpose of public advertising.

#### **PROponent:**

The proponent is the City of Greater Geraldton.

#### **BACKGROUND:**

The legal advice received indicated that the former City of Geraldton-Greenough's local planning policies would not automatically apply to the augmented district of the City post-amalgamation and as such the local planning policies are required to be re-adopted specifically in relation to the district of the former Shire of Mullewa, by the merged entity of the City of Greater Geraldton.

The following local planning policies are proposed to be formally adopted within the district of the former Shire of Mullewa:

- Alfresco Dining
- Ancillary Accommodation
- Bed & Breakfast
- Caravans for Temporary Accommodation
- Caretaker's Dwellings in Industrial Areas
- Commercial Recreational Tourism Activity on Crown Land
- Compliance & Enforcement of Planning Laws
- Consultation for Planning Proposals
- Consulting Rooms & Professional Offices
- Development Adjacent to Railway Reserves
- Display Homes & Sales Offices
- Dividing Fences
- Extractive Industry

- Fast Food Outlets
- Green Travel Plans
- Greenhouses
- Group Dwellings
- Heritage Conservation & Development
- Holiday Homes
- Home Based Businesses (including Cottage Industry)
- Industrial Development
- International Charter for Walking
- Low Impact Rural Tourism
- Mobile & Itinerant Vendors
- Motor Vehicle Wrecking Premises
- Outbuildings
- Parking of Commercial Vehicles in Residential & Rural Residential Areas
- Planning Approvals
- Relocated Buildings
- Residential Design Codes – Buildings on Boundary Variation
- Residential Design Codes – Setback Variations
- Retaining Walls
- Sea Containers
- Signage
- Towards Sustainable Residential Development
- Telecommunications Infrastructure
- Temporary Accommodation (Construction) Camps

**COMMUNITY CONSULTATION:**

Policies are required to be advertised for a period of 21 days with a notice in a newspaper for two consecutive weeks.

**COUNCILLOR/OFFICER CONSULTATION:**

There has been no Councillor/Officer consultation other than internally within the Town Planning Services Team.

**STATUTORY IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications.



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

Key Result Area 1: Opportunities for Lifestyle.

Outcome 1.1: A sustainable built, urban and rural environment.

Strategy 1.1.2: Ensure effective delivery of statutory planning and building regulations.

**Regional Outcomes:**

There are no regional outcomes.

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

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural & heritage issues.

**RELEVANT PRECEDENTS:**

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

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority required.

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

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to Clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to adopt the following Local Planning Policies:
  - a. Alfresco Dining
  - b. Ancillary Accommodation

- 
- c. Bed & Breakfast
  - d. Caravans for Temporary Accommodation
  - e. Caretaker's Dwellings in Industrial Areas
  - f. Commercial Recreational Tourism Activity on Crown Land
  - g. Compliance & Enforcement of Planning Laws
  - h. Consultation for Planning Proposals
  - i. Consulting Rooms & Professional Offices
  - j. Development Adjacent to Railway Reserves
  - k. Display Homes & Sales Offices
  - l. Dividing Fences
  - m. Extractive Industry
  - n. Fast Food Outlets
  - o. Green Travel Plans
  - p. Greenhouses
  - q. Group Dwellings
  - r. Heritage Conservation & Development
  - s. Holiday Homes
  - t. Home Based Businesses (including Cottage Industry)
  - u. Industrial Development
  - v. International Charter for Walking
  - w. Low Impact Rural Tourism
  - x. Mobile & Itinerant Vendors
  - y. Motor Vehicle Wrecking Premises
  - z. Outbuildings
  - aa. Parking of Commercial Vehicles in Residential & Rural Residential Areas
  - bb. Planning Approvals
  - cc. Relocated Buildings
  - dd. Residential Design Codes – Buildings on Boundary Variation
  - ee. Residential Design Codes – Setback Variations
  - ff. Retaining Walls
  - gg. Sea Containers
  - hh. Signage
  - ii. Towards Sustainable Residential Development
  - jj. Telecommunications Infrastructure
  - kk. Temporary Accommodation (Construction) Camps; and
2. MAKES the determination on the grounds that adoption of the local planning policies would compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the matter.

**CONCLUSION:**

It is considered essential, that in the interest of providing a sound planning framework from which the local government can be guided in its discretion and decision making process, that the local planning policies be adopted by Council within the district of the former Shire of Mullewa.

Option 2 is not supported as legal advice has confirmed that the local planning policies would not automatically apply to the augmented district of the City

post-amalgamation and as such the local planning policies are required to be re-adopted specifically in relation to the district of the former Shire of Mullewa.

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 Clause 7.7 of Town Planning Scheme No. 1 (Mullewa Townsite) and Section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ADOPT the following Local Planning Policies and advertise them for a period of 21 days:
  - a. Alfresco Dining
  - b. Ancillary Accommodation
  - c. Bed & Breakfast
  - d. Caravans for Temporary Accommodation
  - e. Caretaker's Dwellings in Industrial Areas
  - f. Commercial Recreational Tourism Activity on Crown Land
  - g. Compliance & Enforcement of Planning Laws
  - h. Consultation for Planning Proposals
  - i. Consulting Rooms & Professional Offices
  - j. Development Adjacent to Railway Reserves
  - k. Display Homes & Sales Offices
  - l. Dividing Fences
  - m. Extractive Industry
  - n. Fast Food Outlets
  - o. Green Travel Plans
  - p. Greenhouses
  - q. Group Dwellings
  - r. Heritage Conservation & Development
  - s. Holiday Homes
  - t. Home Based Businesses (including Cottage Industry)
  - u. Industrial Development
  - v. International Charter for Walking
  - w. Low Impact Rural Tourism
  - x. Mobile & Itinerant Vendors
  - y. Motor Vehicle Wrecking Premises
  - z. Outbuildings
  - aa. Parking of Commercial Vehicles in Residential & Rural Residential Areas
  - bb. Planning Approvals
  - cc. Relocated Buildings
  - dd. Residential Design Codes – Buildings on Boundary Variation
  - ee. Residential Design Codes – Setback Variations
  - ff. Retaining Walls
  - gg. Sea Containers
  - hh. Signage
  - ii. Towards Sustainable Residential Development
  - jj. Telecommunications Infrastructure
  - kk. Temporary Accommodation (Construction) Camps;

2. ADOPT for final approval the Local Planning Policies should no objections be received during the advertising period; and
3. REQUIRE staff to present to Council a further report should there be any objections received during the advertising period.

SC002	AUTHORISATION TO ACT – COMPLIANCE OFFICER MR ANDREW WHITE
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<b>AGENDA REFERENCE:</b>	<b>11/062821</b>
<b>AUTHOR:</b>	<b>A White, Compliance Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>09 June 2011</b>
<b>FILE REFERENCE:</b>	<b>PE/0306</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

**SUMMARY:**

Mr Andrew White is the Compliance Officer for the Sustainable Communities Directorate. The officer needs to be appointed and gazetted as an authorised person under a variety of legislation in order to carry out his duties. Furthermore, the respective Town Planning Schemes require that Officers be authorised to enter any building or land within the City for the purpose of ascertaining whether the provisions of the scheme are being observed.

**PROPONENT:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

The compliance officer will be required to assess Scheme provisions, along with all other facets of control under the jurisdiction of local government in relation to daily operation of various Acts, Regulations and Local Laws.

As such Council is required to appoint and gazette the person in the role of Compliance Officer as an Authorised Person under the sections of the following Acts, Local Laws and Regulations and the following clauses of the Schemes:

- The Local Government (Miscellaneous Provisions) Act 1960 s245A;
- The Local Government Act 1995 s3.24, s3.39 and s9.10;
- Caravan Parks and Camping Grounds Act 1995 s17, s22 and s23;
- Planning and Development Act 2005;
- Council's Local Laws and Regulations as prescribed;
- City of Geraldton Town Planning Scheme No.3 clause 8.1(c);
- Shire of Greenough Town Planning Scheme No.1A clause 7.1(c);
- Shire of Greenough Town Planning Scheme No. 5 clause 6.6.1(c);
- and
- Shire of Mullewa Town Planning Scheme No. 1 clause 7.1 (c).

**COMMUNITY CONSULTATION:**

Not Applicable.

**COUNCILLOR/OFFICER CONSULTATION:**

Liaison between the Director of Sustainable Communities and the Compliance Officer.

**STATUTORY IMPLICATIONS:**

Fulfilling the statutory requirements of the following legislation:

- The Local Government (Miscellaneous Provisions) Act 1960;
- The Local Government Act 1995;
- Caravan Parks and Camping Grounds Act 1995;
- Planning and Development Act 2005;
- Council's Local Laws and Regulations as prescribed;
- City of Geraldton Town Planning Scheme No.3;
- Shire of Greenough Town Planning Scheme No.1A;
- Shire of Greenough Town Planning Scheme No.5; and
- Shire of Mullewa Town Planning Scheme No. 1 clause 7.1 (c).

**POLICY IMPLICATIONS:**

There are no policy Implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

A cost of approximately \$60 for placing a notice in the Government gazette and the budgeted salary costs for this position.

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

Key Result Area 1: Opportunities for Lifestyle

Key Result Area 4: Leading the Opportunities.

Outcome 4.2: Constituent centric organisation.

Strategy 4.2.1: Ensure the effective delivery of services (externally customer focussed).

Outcome 4.4: Achieving and exceeding statutory compliance.

**Regional Outcomes:**

There are no regional outcomes.

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

There are no economic impacts.

**Social:**

There are no social issues.

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**Environmental:**

There are no environmental impacts.

**Cultural & Heritage:**

There are no cultural and heritage issues.

**RELEVANT PRECEDENTS:**

Previous Council decision on 28 October 2008 item SC19, Authorisation to Act – Compliance Officer

**DELEGATED AUTHORITY:**

Capacity to enforce the provisions of:

- The Local Government (Miscellaneous Provisions) Act 1960 s245A;
- The Local Government Act 1995 s3.24, s3.39 and s9.10;
- Caravan Parks and Camping Grounds Act 1995 s17, s22 and s23;
- Planning and Development Act 2005;
- Council's Local Laws and Regulations as prescribed;
- City of Geraldton Town Planning Scheme No.3;
- Shire of Greenough Town Planning Scheme No.1A;
- Shire of Greenough Town Planning Scheme No. 5; and
- Shire of Mullewa Town Planning Scheme No.1.

**VOTING REQUIREMENTS:**

Simple Majority is required.

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

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority RESOLVES to:

1. DECLINES the authorisation powers as it would prefer that all aspects of the role be the subject of separate reports to Council before any respective actions
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**Option 3:**

That Council by \*Simple Majority {provide an additional alternate recommendation or deferral/do nothing option *include reference to the Local Government Act*} RESOLVES to:

1. DEFERS a decision on the matter pending further information.

**CONCLUSION:**

It is recommended that the Compliance Officer Mr Andrew Jeffery Powers White of the City of Geraldton-Greenough be authorised to implement specific provisions of the legislation governing the Planning and Building areas of the City. The authorisations ensure that the position is both effective and has the correct legal authority for any actions that this position may be required to undertake

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority The Local Government (Miscellaneous Provisions) Act 1960 s245A, the Local Government Act 1995 s3.24, s3.39 and s9.10 and Caravan Parks and Camping Grounds Act 1995 s17, s22 and s23 RESOLVES to:

1. APPOINT Mr Andrew Jeffrey Powers White as Authorised Person, in accordance with the sections of the various Acts listed hereunder
  - a. The Local Government (Miscellaneous Provisions) Act 1960 s245A;
  - b. Local Government Act 1995 s3.24, s3.39 and s9.10; and
  - c. Caravan Parks and Camping Grounds Act 1995 s17, s22 and s23.
2. APPOINT Andrew Jeffrey Powers White as Authorised Officer, in accordance with clauses of the Various town planning schemes listed hereunder:
  - a. City of Geraldton Town Planning Scheme No.3 clause 8.1(c);
  - b. Shire of Greenough Town Planning Scheme No.1A clause 7.1(c); and
  - c. Shire of Greenough Town Planning Scheme No.5 clause 11.1.2.



SC003	DELEGATED AUTHORITY FOR AUTHORISED PERSONS
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<b>AGENDA REFERENCE:</b>	<b>11/ 062822</b>
<b>AUTHOR:</b>	<b>G W M Chadwick, Manager Environmental Health and Sustainability</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	
<b>FILE REFERENCE:</b>	<b>PE/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

The document (circulated with the agenda papers) incorporates the proposed changes to the current schedule of authorised persons and requires Council resolution.

**PROPONENT:**

The proponent is the City of Greater Geraldton

**BACKGROUND:**

The City last renewed its Environmental Health Officer delegations pursuant to the *Health Act 1911, as amended* and *Local Government Act 1995* through Council resolution on September 2010. Since then there have been operational changes to staff that carry out regular administrative and enforcement responsibilities.

Whilst City Officers have up to date certificates of authorisation, the purpose of this agenda paper is to ensure Council authorised delegations remain current and recorded accurately on its corporate delegations register and made available to be audited by the relevant authority from time to time.

**COMMUNITY CONSULTATION:**

The City is required to liaise with the Department of Health regarding authorisations required to be made under the *Health Act 1911, as amended* and *Food Act 2008* and *Food Regulations 2009*.

**COUNCILLOR/OFFICER CONSULTATION:**

The Manager Environmental Health and Sustainability has consulted with the Governance and Risk Department and with Sustainable Communities Department Managers and relevant staff.

**STATUTORY IMPLICATIONS:**

Council is able to execute by delegation specific powers in relation to its responsibilities under the *Local Government Act 1995*, *Health Act 1911*, *Caravan Parks and Camping Grounds Act 1995*, *Caravan Parks and Camping Grounds Regulations 1997*, *Food Act 2008* and *Food Regulations 2009*.

The delegation of such powers does not remove any of the responsibilities of the local government from exercising its powers.

**POLICY IMPLICATIONS:**

No impact on existing policies or new policies proposed as a result of the authorisations.

**FINANCIAL AND BUDGET IMPLICATIONS:**

No significant costs increases are associated with the delegated authority.

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

Key Result Area 4:      Leading the opportunities.

Outcome 4.4:            Achieving and exceeding statutory compliance

Strategy 4.4.1:        Effective delegation of authority

**Regional Outcomes:**

There are no negative impacts to regional outcomes.

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

There are positive economic impacts through effective execution of environmental health legislative powers particularly in relation to the benefits of businesses reducing their risk of litigation as a result of serious harm to health and wellbeing as a result of unsafe practices.

**Social:**

There are positive social impacts through effective execution of environmental health legislative powers particularly in relation to health and wellbeing.

**Environmental:**

There are positive environmental impacts through effective execution of environmental legislative powers particularly in relation to the control of pollution.

**Cultural & Heritage:**

There are no cultural and heritage impacts with this item.

**RELEVANT PRECEDENTS:**

The previous Council decision regarding these particular delegations was made in March 2007.

**DELEGATED AUTHORITY:**

This agenda items concerns Councils delegated authority as the local government specified by the relevant Acts to confer its powers to Officers in accordance with the attached schedule.

**VOTING REQUIREMENTS:**

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Simple majority voting is required.

## OPTIONS:

### **Option 1:**

That Council by Simple Majority made under *Section 26 and 178 (1) of the Health Act 1911, as amended and sections 122 and 126 of the Food Act 2008 and regulation 21 of the Food Regulations 2009 and sections 17 and 23 of the Caravan Park and Camping Ground Act 1995* RESOLVES to: to confirm the positions and persons listed in the schedule circulated with the agenda papers as authorised persons under the legislation indicated in the following schedule:

### **Schedule of authorised and designated officers**

<b>George William Mark Chadwick (Manager Environmental Health &amp; Sustainability)</b>
<b>Delegated authority under the provisions of the Health Act 1911, as amended, Section 26, delegated powers of the local government for the purposes of entry upon premises and investigating offences instigating Prosecutions, Orders, Directions and Notices for offences made under the Act and regulations and local laws made there under.</b> <i>Food Act 2008, Section 122 for the purposes of entry upon premises and investigating offences instigating Prosecutions, Orders and Notices for offences made under the Act and regulations made there under.</i> <i>Caravan Park and Camping Ground Act 1995 Section 17 (1) for the purposes of entry upon premises and investigating offences instigating Prosecutions, Orders, Directions and Notices for offences made under the Act and regulations and local laws made there under.</i>
<b>Delegated Authority to approve and certify public buildings under section 178 (1) of the Health Act 1911, as amended.</b>
<b>Delegated authority to approve, register, certify a Food Business under section 110 of the Food Act 2008</b>
<b>Delegated authority to approve, register, certify a Lodging House, Offensive Trade, Keeping Poultry and deal with matters concerning Bees, Mosquitoes, Dwelling Unfit etc under the City of Geraldton Health Local Laws 2004, Clause 68B, 72(4), 74, 93, 96, 108, 110, 114, 116, 122, 126, 129, 154, 159</b>
<b>Delegated authority to approve, register, certify a Caravan Park Licence under section 7 (4) and 9(1) of the Caravan Park and Camping Ground Act 1995</b>
<b>Delegated authority to issue infringements pursuant to the following Acts</b>
<i>Designated Officer for the purposes of performing the functions of the Food Act 2008 Section 126(2)</i>
<i>Caravan Parks and Camping Grounds Act Section 23 (2)</i>

### Schedule of authorised and designated officers

<b>Environmental Health Officers</b>
<b>Marie Struwig, Senior Environmental Health Officer</b> <b>Eugene Paewai, Senior Environmental Health Officer</b> <b>Paul Boardman, Environmental Health Officer (Meat)</b> <b>Jasmine Molloy, Environmental Health and Sustainability Officer</b>
<b>Delegated authority under the provisions of the <i>Health Act 1911, as amended, Section 26, delegated powers of the local government for the purposes of entry upon premises and investigating offences made under the Act and regulations and local laws made there under.</i></b> <i>Authorised under the Food Act 2008, Section 122 for the purposes of entry upon premises and investigating offences made under the Act and regulations and local laws made there under.</i> <i>Authorised under Regulation 21 of the Food Regulations 2009 for the purposes of inspection of animals and carcasses at abattoirs.</i>
<b>Delegated authority to issue infringements pursuant to the following Acts</b>
<i>Designated Officer for the purposes of performing the functions of the Food Act 2008 Section 126 (2)</i>
<i>Caravan Parks and Camping Grounds Act Section 23 (2)</i>
<b>Executive Officers</b>
<b>Anthony Brun (Chief Executive Officer)</b> <b>Philip Melling (Director of Sustainable Communities)</b>
<b>Delegated authority to extend, modify, withdraw infringements pursuant to the following Acts</b>
<i>Appointed as designated Officer pursuant to section 126 (13) of the Food Act 2008 to carry out functions in respect to Section 126 (1), (3), (6) and (7) of the Food Act 2008 only.</i>
<i>Caravan Parks and Camping Grounds Act Section 23 purposes of subsection (2), (3), (5) or (7) or for the purposes of 2 or more of those subsections, but a person who is authorised to give infringement notices under subsection (2) is not eligible to be an authorised person for the purposes of any of the other subsections.</i>
<b>Contracted Officers</b>
<b>Trevor Lee, Environmental Health Officer</b>
<i>Authorised under the Food Act 2008, Section 122 to assist with the discharge of duties of an authorised officer.</i>

#### **Option 2:**

That Council by Simple Majority RESOLVES to:

1. DEFER its decision on delegated authority for Environmental Health Officers, Manager and Executive Officers ;
2. MAKES the determination based on the following reason:
  - a. That an alternative delegated authority schedule be proposed.

This option is not recommended because it delays the appointment of authorised officers required to perform in their duties under the relevant Acts and Regulations.

**Option 3:**

That Council by Simple Majority RESOLVES to:

1. NOT delegate authority for Environmental Health Officers, Manager and Executive Officers;
2. MAKES the determination based on the following reason:
  - a. Seek further advice regarding delegated authority

This option is not recommended because the information provided is current and any new advice is unlikely to change the existing recommendation.

**CONCLUSION:**

The City is required to review its delegations every 12 months to ensure it remains current and meets the responsibilities to perform the required functions imposed by the relevant Acts and subsidiary legislation.

The current delegated authority schedule is no longer current and is required to be brought up to date to enable transparency and effective governance of the statutory powers required to be executed by local government.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority made under *Section 26 and 178 (1) of the Health Act 1911, as amended and section 122 and 126 of the Food Act 2008 and regulation 21 of the Food Regulations 2009 and sections 17 and 23 of the Caravan Park and Camping Ground Act 1995* RESOLVES to:

1. ADOPT the positions and persons listed in the schedule circulated with the agenda papers as authorised persons under the legislation as specified;
2. ADOPT that the persons listed in the schedule be advertised in the government gazette and newspapers as applicable; and
3. RECOGNISE that in resolving the delegated authority discharged to persons named in the schedule does not remove the responsibility of Council or the local government in discharging its own powers and responsibilities made under the relevant Act and Regulations as specified in the agenda.

### Schedule of authorised and designated officers

<b>George William Mark Chadwick (Manager Environmental Health &amp; Sustainability)</b>
<i>Delegated authority under the provisions of the Health Act 1911, as amended, Section 26, delegated powers of the local government for the purposes of entry upon premises and investigating offences instigating Prosecutions, Orders, Directions and Notices for offences made under the Act and regulations and local laws made there under.</i>
<i>Food Act 2008, Section 122 for the purposes of entry upon premises and investigating offences instigating Prosecutions, Orders and Notices for offences made under the Act and regulations made there under.</i>
<i>Caravan Park and Camping Ground Act 1995 Section 17 (1) for the purposes of entry upon premises and investigating offences instigating Prosecutions, Orders, Directions and Notices for offences made under the Act and regulations and local laws made there under.</i>
<b>Delegated Authority to approve and certify public buildings under section 178 (1) of the Health Act 1911, as amended.</b>
<b>Delegated authority to approve, register, certify a Food Business under section 110 of the Food Act 2008</b>
<b>Delegated authority to approve, register, certify a Lodging House, Offensive Trade, Keeping Poultry and deal with matters concerning Bees, Mosquitoes, Dwelling Unfit etc under the City of Geraldton Health Local Laws 2004, Clause 68B, 72(4), 74, 93, 96, 108, 110, 114, 116, 122, 126, 129, 154, 159</b>
<b>Delegated authority to approve, register, certify a Caravan Park Licence under section 7 (4) and 9(1) of the Caravan Park and Camping Ground Act 1995</b>
<b>Delegated authority to issue infringements pursuant to the following Acts</b>
<i>Designated Officer for the purposes of performing the functions of the Food Act 2008 Section 126(2)</i>
<i>Caravan Parks and Camping Grounds Act Section 23 (2)</i>

### Schedule of authorised and designated officers

<b>Environmental Health Officers</b>
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<b>Paul Boardman, Environmental Health Officer (Meat)</b>
<b>Jasmine Molloy, Environmental Health and Sustainability Officer</b>
<i>Delegated authority under the provisions of the Health Act 1911, as amended, Section 26, delegated powers of the local government for the purposes of entry upon premises and investigating offences made under the Act and regulations and local laws made there under.</i>
<i>Authorised under the Food Act 2008, Section 122 for the purposes of entry upon premises and investigating offences made under the Act and regulations and local laws made there under.</i>
<i>Authorised under Regulation 21 of the Food Regulations 2009 for the purposes of inspection of animals and carcasses at abattoirs.</i>
<b>Delegated authority to issue infringements pursuant to the following</b>

<b>Acts</b>
<i>Designated Officer for the purposes of performing the functions of the Food Act 2008 Section 126 (2)</i>
<i>Caravan Parks and Camping Grounds Act Section 23 (2)</i>
<b>Executive Officers</b>
<b>Anthony Brun (Chief Executive Officer)</b> <b>Philip Melling (Director of Sustainable Communities)</b>
<b>Delegated authority to extend, modify, withdraw infringements pursuant to the following Acts</b>
<i>Appointed as designated Officer pursuant to section 126 (13) of the Food Act 2008 to carry out functions in respect to Section 126 (1), (3), (6) and (7) of the Food Act 2008 only.</i>
<i>Caravan Parks and Camping Grounds Act Section 23 purposes of subsection (2), (3), (5) or (7) or for the purposes of 2 or more of those subsections, but a person who is authorised to give infringement notices under subsection (2) is not eligible to be an authorised person for the purposes of any of the other subsections.</i>
<b>Contracted Officers</b>
<b>Trevor Lee, Environmental Health Officer</b>
<i>Authorised under the Food Act 2008, Section 122 to assist with the discharge of duties of an authorised officer.</i>

SC004	TOWN PLANNING DELEGATIONS
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<b>AGENDA REFERENCE:</b>	<b>11/062820</b>
<b>AUTHOR:</b>	<b>N Browne, Senior Statutory Planner</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>07 June 2011</b>
<b>FILE REFERENCE:</b>	<b>PE/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

Given the recent amalgamation of the City of Geraldton-Greenough and the Shire of Mullewa the Town Planning Services delegations are required to be endorsed by the new Council. This report recommends the adoption of the Town Planning Services delegations list.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The former City of Geraldton-Greenough Council, at its meeting held on 23 November 2010, resolved:

*“pursuant to clause 8.6 of Town Planning Scheme No. 3 (Geraldton) and clause 11.3 of Local Planning Scheme No. 5 (Greenough) to delegate authority to the Chief Executive Officer to enact specific Town Planning delegations.”*

It is essential that the new entity of City of Greater Geraldton adopts the Town Planning Services delegations in order to ensure continued good governance through efficient and timely service to the public and other agencies.

**COMMUNITY CONSULTATION:**

There has been no community consultation.

**COUNCILLOR/OFFICER CONSULTATION:**

The issue of delegation has been discussed with staff from the Town Planning Services Team, Director Sustainable Communities and the Chief Executive Officer.

**STATUTORY IMPLICATIONS:**

Section 5.42(1) of the Local Government Act 1995 states:

*A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under that Act, other than those referred to in section 5.43.*

Clause 8.6 ‘Delegation Functions’ of Town Planning Scheme No. 3 (Geraldton) states:



- 8.6.1 *The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a Committee or the Chief Executive Officer, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.*
- 8.6.2 *The Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under Clause 8.6.1.*

Clause 11.3 'Delegation of Functions' of Local Planning Scheme No.5 (Greenough) states:

- 11.3.1 *The Local Government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.*
- 11.3.2 *The CEO may delegate to any employee of the Local Government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.*
- 11.3.3 *The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.*
- 11.3.4 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.*

**POLICY IMPLICATIONS:**

The delegations list further reinforces the specific delegations listed in various local planning policies.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications.

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

Key Result Area 1: Opportunities for Lifestyle

Outcome 1.1: A sustainable, built urban and rural environment.

Strategy 1.1.2: Ensure effective delivery of statutory planning and building regulations.

Key Result Area 4: Leading the Opportunities.

Outcome 4.2: Constituent centric organisation.

Strategy 4.2.1: Ensure the effective delivery of services (externally customer focussed).

Outcome 4.4: Achieving and exceeding statutory compliance.

Strategy 4.4.1: Achieve effective delegation of authority.

**Regional Outcomes:**

There are no regional outcomes.

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

It is considered that the effective delegation of authority will considerably expedite the approvals process which has been highlighted as a major concern to the development industry and can potentially add to the overall costs of a project.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural & heritage issues.

**RELEVANT PRECEDENTS:**

The current Town Planning Services delegations were adopted by the former City of Geraldton-Greenough Council, at its meeting held on 23 November 2010.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority required.

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

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority pursuant to clause 8.6 of Town Planning Scheme No. 3 (Geraldton) and clause 11.3 of Local Planning Scheme No. 5 (Greenough), RESOLVES to:

1. REFUSE to adopt the Town Planning Services Delegations; and
2. MAKES the determination on the grounds that adoption of the Town Planning Services Delegations would compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the matter.

**CONCLUSION:**

It is considered essential, that in the interest of providing a sound planning framework from which the local government can be guided in its discretion and decision making process, that the Town Planning Services delegations be adopted. The delegation of certain decision-making powers will expedite the processing of development applications, subdivision applications and associated administrative functions, to the benefit of ratepayers, the general public and the development industry.

Council's adoption of the revised Town Planning Services delegations list will ensure that efficiency and productivity continue.

It is considered that the delegations list will provide the following benefits:

- More efficient and effective use of the City's time and resources;
- Achieve higher levels of staff productivity and sense of achievement;
- Increase turn-around and processing times resulting in improved levels of service to both internal and external customers;

It should also be noted that the delegation does not have to be acted upon by the officer and where there is any doubt the matter can still be referred to Council for determination.

With the recent amalgamation of the former City of Geraldton-Greenough and Shire of Mullewa the delegations have to be re-adopted by the new entity and therefore Option 2 is not supported.

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 Absolute Majority, pursuant to clause 8.6 of Town Planning Scheme No. 3 (Geraldton) and clause 11.3 of Local Planning Scheme No. 5 (Greenough), RESOLVES to:

#### 1. DELEGATE authority to the Chief Executive officer for the following:

Delegation Number TP – D01	Applications for Planning Approval
1.	Approve applications for planning approval where the proposal generally complies with the relevant Scheme, local planning policies and/or Residential Design Codes and is considered to be consistent with the orderly and proper planning of the locality EXCEPT where an author-identified objection has been received that is substantiated on relevant planning matters, which cannot be addressed by conditions and or advice notes on the planning approval.
2.	Refuse applications for planning approval where the proposed use is not permitted in the relevant Scheme.
3.	Refuse applications for planning approval where the proposal is considered to markedly deviate from the objectives and/or is clearly excessive of any prescribed standards of the relevant Scheme, local planning policies and/or Residential Design Codes. <i>All applications dealt with in the above delegation shall be reported to Council at the next available meeting.</i>
4.	Impose conditions on any planning approval.
5.	Approve amended plans where the amendments to the approved plans: <ol style="list-style-type: none"> <li>a. Generally complies with the relevant Scheme, local planning policies and/or Residential Design Codes; and</li> <li>b. The proposed amendment(s) are considered to be consistent with the orderly and proper planning of the locality.</li> </ol>
6.	Amend conditions of a planning approval where the proposed amendment(s) generally complies with the relevant Scheme, local planning policies and/or Residential Design Codes and is considered to be consistent with the orderly and proper planning of the locality.
7.	Return or defer incomplete or unsatisfactory applications and to request further information from the proponent in order to process an application for planning approval.

Delegation Number TP – D02	Residential Design Codes
Determine applications for planning approval for a variation to the Residential Design Codes where the proposal is considered to be consistent with the orderly and proper planning of the locality and does not adversely affect the amenity of the locality EXCEPT where an author-identified objection has been received that is substantiated on relevant planning matters, which cannot be addressed by conditions and or advice notes on the planning approval.	

Delegation Number TP – D03	Advertising
1.	Determine whether a matter shall be advertised in accordance with the relevant Scheme, local planning policies and/or the Residential Design Codes.
2.	Dismiss objections that are not author-identified and substantiated on relevant planning matters. <i>Matters that do receive an objection(s) that are author-identified and substantiated on relevant planning matters shall be presented to Council for determination at the next available meeting.</i>
3.	Extend the advertising period.
4.	Receive and consider late submissions.
5.	Determine the number and location of advertising signs to be provided.

Delegation Number TP – D04	Modify Development Standards
Approve variations to any development standard in the relevant Scheme or local planning policies provided: <ol style="list-style-type: none"> <li>a. The variation is considered to be consistent with the orderly and proper planning of the locality; and</li> <li>b. The variation will not have any adverse effect upon the occupiers or users of the development, or the inhabitants of the locality, or the likely future development of the locality.</li> </ol>	

<b>Delegation Number TP – D05</b>	<b>Car Parking</b>
Determine the number of car parking bays to be provided for a particular development and/or land use where a specific car parking requirement is not specified in the relevant Scheme.	
<b>Delegation Number TP – D06</b>	<b>Built Strata Subdivision</b>
Determine applications for built strata subdivision.	
<b>Delegation Number TP – D07</b>	<b>Development Bonds</b>
Impose and administer development bonds or performance bonds as either a condition of planning approval or as a mechanism to comply with a condition of planning approval.	
<b>Delegation Number TP – D08</b>	<b>Licence Approvals</b>
Issue correspondence, certificates and/or licences in relation to the land use of a property provided the land use of the property is consistent with any relevant planning approval for the property.  <i>Examples include Motor Vehicle Dealers Licence, Second-hand Dealers Licence, Section 40 Certificate etc.</i>	
<b>Delegation Number TP – D09</b>	<b>Subdivision, Strata and Amalgamation</b>
<ol style="list-style-type: none"> <li>1. Provide comment and recommendations to the Western Australian Planning Commission and/or Department of Planning in regard to applications for subdivision, strata and amalgamation. <i>All applications dealt with in the above delegation shall be reported to Council at the next available meeting.</i></li> <li>2. Request the imposition of conditions.</li> <li>3. Clear subdivision, strata and amalgamation condition(s) where the local government is the relevant clearing authority and the condition(s) have been satisfactorily met.</li> </ol>	
<b>Delegation Number TP – D10</b>	<b>Scheme Amendments</b>
<ol style="list-style-type: none"> <li>1. Determine what information should be provided by the proponent in the scheme amendment documentation.</li> <li>2. Return or defer incomplete or unsatisfactory scheme amendment documents and to request further information from the proponent in order to process the scheme amendment.</li> <li>3. Charge relevant fees to the proponent if the local government undertakes the preparation of the scheme amendment documentation.</li> <li>4. Modify scheme amendment documents in accordance with directions from the Western Australian Planning Commission, Department of Planning and the Minister for Planning.</li> </ol>	
<b>Delegation Number TP – D11</b>	<b>Street Naming</b>
Approve the allocation of street names that have been endorsed by Council.	
<b>Delegation Number TP – D12</b>	<b>Town Planning Appeals</b>
Respond to State Administrative Tribunal Reviews and represent Council at any mediation conference relevant to a town planning matter and act on behalf of the Council in respect of that review provided that action is in keeping with the provisions of the relevant Scheme, local planning policies, the Residential Design Codes and all other relevant planning statutes.	
<b>Delegation Number TP – D13</b>	<b>Relocation of Building Envelopes</b>
Approve applications for the relocation of a building envelope where the proposal generally complies with the relevant Scheme, local planning policies and/or Residential Design Codes and is considered to be consistent with the orderly and proper planning of the locality EXCEPT where an author-identified objection has been received that is substantiated on relevant planning matters, which cannot be addressed by conditions and or advice notes on the planning approval.	

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Delegation Number TP – D14	Right of Way / Pedestrian Accessway / Road Closures
Initiate Right of Way / Pedestrian Accessway / Road closures for public consultation.	
Delegation Number TP – D15	Local Planning Policies
Administer all local planning policies inclusive of the delegation contained therein.	
Delegation Number TP – D16	Detailed Area Plans
Approve Detailed Area Plans.	
Delegation Number TP – D17	Signing of Correspondence
Sign all correspondence relating to town planning matters.	
Delegation Number TP – D18	Structure Plans
<ol style="list-style-type: none"> <li>1. Advertise draft Structure Plans for public comment.</li> <li>2. Approve variations to a Structure Plan where the variation does not materially alter the intent of the Structure Plan.</li> </ol>	

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SC005	NOMINATIONS FOR DEVELOPMENT ASSESSMENT PANEL MEMBERSHIP
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<b>AGENDA REFERENCE:</b>	<b>11/062978</b>
<b>AUTHOR:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>23 June 2011</b>
<b>FILE REFERENCE:</b>	<b>LP/0005</b>
<b>APPLICANT / PROPONENT:</b>	<b>W.A. Planning Commission</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

A report outlining the need to nominate representatives to the Joint Development Assessment Panel which is being established covering the City of Greater Geraldton applications above the nominated thresholds.

**PROponent:**

The proponent is the WA Planning Commission.

**BACKGROUND:**

The establishing of Development Assessment Panels (DAP'S) are part of the State Government's planning reform process and commence on the 1 July 2011. Each DAP will consist of five panel members consisting of three technical panel members appointed by the Hon. Minister for Planning and two local members from the Council of the Local Government concerned.

Given that the City of Greater Geraldton commences on the 01 July 2011, it is necessary to submit to the Hon Minister the nominees from the City of Greater Geraldton. Two nominees are required for the positions on the panel and up two alternate nominees are also required.

Each panel member/alternate member will be required to undergo formal training by the Department of Planning and this is currently scheduled for 21 July 2011. The panel will meet as required should development applications be received (above the thresholds nominated under the legislation), currently expected to be once a month. The two members from Local Government will only be present to discuss and assist in determining development applications received within their local government area.

**COMMUNITY CONSULTATION:**

The State Government via the Department of Planning / W A Planning Commission undertook various consultation processes during the development of the DAP concept.

**COUNCILLOR/OFFICER CONSULTATION:**

No consultation has occurred with the Commissioners on this item although former Councillors at the respective Local Authorities were briefed on the establishing of Development Assessment Panels.

**STATUTORY IMPLICATIONS:**

Part 11A of the Planning & Development Act (2005) introduces Development Assessment Panels into the Act and this is supported by the Planning and Development (Development Assessment Panels) Regulations 2011.

**POLICY IMPLICATIONS:**

Council policies and Town Planning Schemes will be utilised by the Development Assessment Panel to determine applications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Some cost recovery is possible, but it is expected that staff may have to attend at the City of Greater Geraldton's cost.

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

There are no Strategic & Plan for the Future outcomes.

**Regional Outcomes:**

There are no regional outcomes.

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

This will not be known until the panel system has been established and the implications of its decision making are known.

**Social:**

This will not be known until the panel system has been established and the implications of its decision making are known.

**Environmental:**

This will not be known until the panel system has been established and the implications of its decision making are known.

**Cultural & Heritage:**

This will not be known until the panel system has been established and the implications of its decision making are known.

**RELEVANT PRECEDENTS:**

The Development Assessment Panel process is new to the W.A. Planning System but it is known that in other States, they are under review or have been abolished.

**DELEGATED AUTHORITY:**

State Legislation has been established that has stripped local authority powers to deal with development applications above nominated thresholds.



**VOTING REQUIREMENTS:**

Simple majority required.

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

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority in accordance with Part 11A of the Planning & Development Act (2005) RESOLVES to:

1. DEFER nominating any City of Greater Geraldton representatives to the Joint Midwest Development Assessment Panel.
2. MAKES the determination based on the following reasons:
  - a. To be determined by Council.

**Option 3:**

That Council by Simple Majority in accordance with Part 11A of the Planning & Development Act (2005) RESOLVES to:

1. DECLINES to nominate to the Hon Minister for Planning any City of Greater Geraldton representatives to the Joint Midwest Development Assessment Panel;
2. MAKES the determination based on the following reason:
  - a. To be determined by Council.

**CONCLUSION:**

The City is required to nominate two Local member representatives to the Joint Development Assessment Panel for the Midwest. Should Council decline to nominate any representation the Minister is empowered to appoint suitable persons. Given this position it is recommended that Council nominate two panel members, and if it so decides, up to two proxy representatives.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority in accordance with Part 11A of the Planning and Development Act (2005) RESOLVES to:

1. ADVISE the Hon Minister for Planning that it nominates Commissioner \_\_\_\_\_ and Commissioner \_\_\_\_\_ as the City of Greater Geraldton local government representatives on the Joint Midwest Development Assessment Panel for the period between 1<sup>st</sup> July 2011 and 22 November 2011 or as amended by Council.
2. ADVISE the Hon Minister for Planning that it nominates Commissioner \_\_\_\_\_ and Commissioner \_\_\_\_\_ as the City of Greater Geraldton alternate local government representatives on the Joint Midwest Development Assessment Panel for the period between 1<sup>st</sup> July 2011 and 22 November 2011 or as amended by Council.

**11.4    *Reports of Creative Communities***

Nil.

**11.5 Reports of Community Infrastructure**

Nil.

**11.6**    ***Reports of Commercial Enterprises***

Nil.

- 12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
  
- 14 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**
  
- 15 CLOSURE**

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

Attachments are available on the City of Geraldton-Greenough website at:  
<http://cgg.wa.gov.au/about-council/meetings>

## ANNEX 1 - CITY OF GERALDTON GREENOUGH'S STANDING ORDERS LOCAL LAW 2007

### LOCAL GOVERNMENT ACT 1995

#### CITY OF GERALDTON-GREENOUGH

#### STANDING ORDERS LOCAL LAW 2007

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

#### PART 1-PRELIMINARY

##### 1.1 Citation

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

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

##### 1.2 Application

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

##### 1.3 Interpretation

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

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

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

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

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

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

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

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

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

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

##### 1.4 Repeal

The *City of Geraldton Standing Orders Local Law* as published in the *Government Gazette* on 22 June

1999 and as amended and published in the *Government Gazette* on the 1 April 2005 is repealed.

#### PART 2-BUSINESS OF THE MEETING

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

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

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

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

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

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

##### 2.2 Order of business

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

(a) Declaration of opening;

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

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

(d) Public question time;

(e) Applications for leave of absence;

(f) Petitions, deputations or presentations;

(g) Declarations of conflicts of interest;

(h) Confirmation of minutes of previous meetings;

(i) Announcements by presiding member without discussion;

(j) Reports of committee and officers;

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

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

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

(n) Closure of meeting.

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

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

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

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

appropriate for a committee or Council to deal with at its meetings.

### 2.3 Public question time

(1) A member of the public who raises a question during question time is to state his or her name and address.

(2) A question may be taken on notice by the Council or committee for later response.

(3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.

### 2.4 Petitions

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

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

### 2.5 Deputations

(1) A deputation requesting to meet the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor or the Presiding Member as the case may be.

(2) The Mayor if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

(3) A deputation invited to attend a Council or committee meeting;

- (a) is not to exceed three persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
- (b) is not to address the Council or committee for a period exceeding 10 minutes without the agreement of the Council or the committee as the case requires.

(4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

### 2.6 Confirmation of minutes

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

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

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

### 2.7 Announcements by the presiding member without discussion

(1) At any meeting of the Council or a committee the presiding member may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.

(2) Any member may move that a change in order of business proposed by the presiding member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

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

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

(2) A notice of motion under subclause (1) is to be given at least four (4) clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO may under his or her own name provide relevant and material facts, circumstances and professional advice pertaining to the notice of motion and may provide recommendations to Council or committee on how it should deal with these matters.

(5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.

(6) A motion of which notice has been given is to lapse unless -

- (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse unless supported by an absolute majority of Council.

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

(1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.

(2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

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



In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the members present, be raised without notice and decided by the meeting.

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

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

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

#### **3.1 Inspection entitlement**

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

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

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

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

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

Penalty \$5,000

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

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

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

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

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

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

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

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

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

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

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

#### **4.5 Disclosures by employees**

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

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

### **PART 5-QUORUM**

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

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

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

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

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

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

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

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

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

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

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

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

### **6.1 Content of minutes**

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

### **6.2 Preservation of minutes**

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

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

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

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

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

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

### **7.3 Leaving meetings**

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

### **7.4 Adverse reflection**

(1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed. Penalty \$1,000

(2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

(3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### **7.5 Recording of proceedings**

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

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

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

### **7.6 Prevention of disturbance**

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

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

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

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

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

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

### **8.2 Priority**

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

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

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

### **8.4 Relevance**

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

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

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

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

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

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

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

**8.8 Members not to interrupt**

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

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

**8.9 Re-opening discussion on decisions**

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

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

**9.1 Motions to be stated**

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

**9.2 Motions to be supported**

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

**9.3 Unopposed business**

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

**9.4 Only one substantive motion considered**

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

**9.5 Breaking down of complex questions**

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

**9.6 Order of call in debate**

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

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

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

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

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

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

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

**9.9 Order of amendments**

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

**9.10 Amendments must not negate original motion**

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

**9.11 Substantive motion**

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

**9.12 Withdrawal of motion and amendments**

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

**9.13 Limitation of withdrawal**

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

**9.14 Personal explanation**

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

**9.15 Personal explanation - when heard**

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

**9.16 Ruling on questions of personal explanation**

The ruling of the presiding member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

**9.17 Right of reply**

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

(2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

**9.18 Right of reply provisions**

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

**9.19 En bloc motions**

When dealing with each report in Council, the presiding member shall highlight items within the reports that require absolute or special majority approvals or are items where members or attending officers have declared an interest.

The presiding member then invites members to identify other items they wish to deal with individually including items they wish to have amended or may want clarification on.

The presiding member then invites an en bloc motion to adopt the recommendations for the remaining items. The minutes shall record at the end of each report item that they were adopted by the en bloc method.

**PART 10-PROCEDURAL MOTIONS****10.1 Permissible procedural motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the matter be moved back to Committee;
- (b) that the Council (or committee) proceed to the next business;
- (c) that the question be adjourned;
- (d) that the Council (or committee) now adjourn;
- (e) that the question be now put;
- (f) that the member be no longer heard;
- (g) that the ruling of the presiding member be disagreed with;
- (h) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.
- (i) that the council move to committee

**10.2 No debate on procedural motions**

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (d), (g), (h) and (i) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (e) and (f) of Clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

**10.3 Procedural motions - closing debate - who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**10.4 Procedural motions - right of reply on substantive motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

**PART 11-EFFECT OF PROCEDURAL MOTIONS****11.1 Matter be moved back to committee – effect of motion**

The motion "that the matter be moved back to Committee," if carried, causes the debate to cease immediately and for the Council (or Committee) to move to the next business of the meeting enables the matter to be addressed by originating committee.

**11.2 Council move to committee – effect of motion**

The motion "that Council move back to committee" enables the matter to be discussed without the limitation on the number of speeches.

**11.3 Council (or committee) to proceed to the next business - effect of motion**

The motion "that the Council (or committee) proceed to the next business", if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

**11.4 Question to be adjourned - effect of motion**

(1) The motion "that the question be adjourned", if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council

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

**11.5 Council (or committee) to now adjourn - effect of motion**

(1) The motion "that the Council (or committee) now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was

adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

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

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

(b) in the case of a Council meeting

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 8.5 apply when the debate is resumed.

#### **11.6 Question to be put - effect of motion**

(1) The motion "that the question be now put", if carried during discussion of a substantive motion without amendment, causes the presiding member to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the presiding member to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

#### **11.7 Member to be no longer heard - effect of motion**

The motion "that the member be no longer heard", if carried, causes the presiding member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

#### **11.8 Ruling of the presiding member disagreed with - effect of motion**

The motion "that the ruling of the presiding member be disagreed with", if carried, causes the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

#### **11.9 Council (or committee) to meet behind closed doors - effect of motion**

(1) Subject to any deferral under clause 2.11 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 8.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the presiding member, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Penalty \$5,000

#### **11.10 Question - when put**

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

#### **11.11 Question - method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

### **PART 12-MAKING DECISIONS**

#### **12.1 Question – when put**

When the debate upon any question is concluded and the right of reply has been exercised the presiding member shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

#### **12.2 Question – method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

### **PART 13-IMPLEMENTING DECISIONS**

#### **13.1 Implementation of a decision**

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that -

(a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and

(b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations; and

(c) if a motion to the same effect as any motion which has been negated by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority.

(2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the

Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given:-

- (a) action has been taken to implement the decision; or
  - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so; without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.
- (4) Where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to the Committee whose responsibilities include Finance, unless by absolute majority or Council resolves otherwise.
- (5) If new written information is introduced at a meeting which materially affects an item of business to which a recommendation of any Committee has been made, then that item of business shall be referred back to the Committee for further investigation, unless by absolute majority Council decides otherwise.

#### **PART 14-PRESERVING ORDER**

##### **14.1 The presiding member to preserve order**

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

##### **14.2 Demand for withdrawal**

A member at a meeting of the Council or a committee may be required by the presiding member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

##### **14.3 Points of order - when to raise - procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

##### **14.4 Points of order - when valid**

The following are to be recognised as valid points of order:

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

##### **14.5 Points of order - ruling**

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

##### **14.6 Points of order - ruling conclusive, unless dissent motion is moved**

The ruling of the presiding member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

##### **14.7 Points of order take precedence**

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

##### **14.8 Precedence of presiding member**

(1) When the presiding member rises during the progress of a debate every member of the Council or committee present shall preserve strict silence so that the presiding member may be heard without interruption.

Penalty \$500

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

##### **14.9 Right of the presiding member to adjourn without explanation to regain order**

(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting -

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

#### **PART 15-ADJOURNMENT OF MEETING**

##### **15.1 Meeting may be adjourned**

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

##### **15.2 Limit to moving adjournment**

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

##### **15.3 Unopposed business - motion for adjournment**

On a motion for the adjournment of the Council or committee, the presiding member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

##### **15.4 Withdrawal of motion for adjournment**

A motion or an amendment relating to the adjournment of the Council or a committee may be

withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

#### **15.5 Time to which adjourned**

The time to which a meeting is adjourned for want of a quorum, by the presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

### **PART 16-PRESENTATION OF COMMITTEE OR OFFICER REPORTS**

#### **16.1 Reports of committees - questions**

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the presiding member to the Presiding Member or to any member of the committee in attendance.

#### **16.2 Permissible motions on recommendation from committee**

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be -

- (a) rejected by the Council; or
- (b) replaced by an alternative decision; or
- (c) referred back to the committee for further consideration.

#### **16.3 Standing orders apply to committees**

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee -

- (a) clause 7.2, in regard to seating;
- (b) clause 8.5, limitation on the number of speeches.

### **PART 17-ADMINISTRATIVE MATTERS**

#### **17.1 Suspension of standing orders**

(1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

#### **17.2 Cases not provided for in standing orders**

The presiding member is to decide questions of

order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(g).

### **PART 18-COMMON SEAL**

#### **18.1 The Council's common seal**

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the local government.

(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Dated: 27 November 2007

The Common seal of the City of Geraldton-Greenough was affixed by authority of a resolution of the Council in the presence of:

IAN CARPENTER, Mayor

GARY BRENNAN, Chief Executive Officer