



ORDINARY MEETING OF COUNCIL
MINUTES

22 SEPTEMBER 2015

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 22 SEPTEMBER 2015 AT 1.30PM
MULLEWA DISTRICT OFFICE

MINUTES

DISCLAIMER:

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

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.30pm.

3 ATTENDANCE

Present:

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

Officers:

K Diehm, Chief Executive Officer
P Melling, Director of Development and Regulatory Services
B Davis, Director of Corporate and Commercial Enterprises
B Wilson, A/Director of Community Services
M Atkinson, A/Director of Infrastructure Services
N Arbuthnot, Executive Director Major Projects
S Moulds, PA to the Chief Executive Officer
J Felix, Waste and Energy Support Officer

Others:

Members of Public: 4
Members of Press: 0

Apologies:

Cr S Keemink
Cr S Douglas
A Selvey, Director of Community Services

Leave of Absence:

Nil.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5 PUBLIC QUESTION TIME

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

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

Public question time commenced at 1.31pm

Max Correy – PO Box 202, Geraldton WA 6531

Question

I have received an FOI application response regarding the prices of each tender received. The information I have been given appears to not list the tendered price of each tenderer received at the date of closing of tenders but has a mixture of various prices at various stages of the process. Could council please provide a list of tenderers and prices at the date of closing of tenders (i.e. prior to any manipulations and adjustments)?

Response

Tender prices as originally submitted, including GST, are provided in the table below, with additional cost increases and reductions on information subsequently submitted by Tenderers:

	Tenderer	Original Tendered Price Including GST	Cost Additions	Additions – Cost Including GST	Adjusted Price Including GST	Reductions – Design and Delivery optimisation	Final Price Evaluated Including GST
1	Albem Operations Pty Ltd & Highway Construction Pty Ltd	\$7,180,969.22	In-situ retaining wall (\$295,150.40). Temporary side track (\$205,815.50). Erection of girders without rail shut down (\$ 432,796.98)	\$936,762.88	\$8,117,732.09	(\$178,542.59)	\$7,939,189.50
2	Bocol Construction Pty Ltd	\$8,401,145.36	Not final shortlisted		\$8,401,145.36		\$8,401,145.36
3	Bocol (Alternative tender)	\$8,424,131.45	Not final shortlisted		\$8,424,131.45		\$8,424,131.45
4	Decmil/Structural Systems/Hawkins: DASSH joint venture	\$7,472,809.92	Not final shortlisted		\$7,472,809.92		\$7,472,809.92
5	Georgiou Group Pty Ltd	\$8,076,238.61	Continuous monitoring of rail (\$8,800), Retaining works Pier 2 (\$125,400).	\$134,200	\$8,210,438.61	(\$392,892.03)	\$7,817,546.58
6	Watpac Civil & mining Pty Ltd	\$8,244,700.64	Not final shortlisted		\$8,244,700.64		\$8,244,700.64
7	York Civil Pty Ltd	\$8,135,068.10	Not final shortlisted		\$8,135,068.10		\$8,135,068.10

Notes:

- Additional costs shown for the shortlisted tenderers are as provided by the Tenderers, subsequent to submission of their original tenders.
- For this tender, price was weighted at 60% of the selection criteria, with other mandatory factors comprising 40%. Best Value-for-Money is the primary objective of public tender processes.
- The figures provided in response to Mr Correy's previous questions to Council, and provided to Mr Correy via letter dated 3 August 2015 *excluded* GST. The information in this table *includes* GST.
- Information requested from short-listed tenderers on additional requirements for anti-vandal fence for entire length of the bridge was sought on very short notice, giving tenderers limited time to prepare proper estimates, so was excluded from final evaluation. As well, the indicative costs for the anti-vandal fencing from Albem and Georgiou were very similar, making an immaterial difference to final assessments.
- \$121,642.92 difference (including GST) between the final figures for Albem and Georgiou represents 1.56% in favour of the Georgiou Group. The same outcome was demonstrated in the previous response to Mr Correy. To repeat however – price was only 60% of the mandatory evaluation criteria, with other factors comprising 40%, and it was the combination of all evaluation criteria that provided foundation for recommending award of preferred tenderer to Georgiou Group.

Question

Given the significant cost blow out from tender to final award in the above mentioned bridge contract, what steps are being taking by council to ensure this is not repeated in future procurements and tenders?

Response

This particular tender process, for the purpose of construction of a bridge across the Southern Transport Corridor, including the PTA railway

reserve, was unique, with Brookfield Rail having contracted lease rights/privileges on use of the rail infrastructure and the reserve.

In relation to increments in overall cost, these have arisen as a consequence of conditions imposed throughout negotiations to obtain approvals to construct across the rail reserve. The incremental costs have not arisen from matters initiated by the preferred tenderer to alter project specifications or contract conditions. As explored further in the responses below, it would not have mattered which tenderer was designated as preferred, since the additional conditions and incremental project costs, consequential to the negotiations, would have impacted in the same way on every tenderer. The probability of the City encountering such unique circumstances again is exceedingly remote.

Some suggestions I have for improvement that will provide more transparency in procurement practice, and ultimately a better environment for council administrative personnel include:

- a) *Public tender openings and disclosure of suppliers and their prices similar to Main Roads WA practice on similar projects*

Response

Local Governments in WA have a regulatory obligation for public tender openings, and the City complies with those requirements. See response to question 3 on the matter of disclosure of tendered prices. Also note that initial submitted prices may not end up being the best and final offers, in tender processes for projects that have high complexity, high risk, or both. It is normal practice for complex projects for prospective tenderers to examine RFT documents and, prior to formulating and submitting tenders, to submit queries, or to identify areas of contemporary practice or technology that may warrant issue of addenda to an RFT, to all businesses that registered interest in the RFT. Subsequently, after receipt and examination of initially submitted tenders, in relation to conforming tenders clarification/confirmation of information may be sought from tenderers, or in some cases additional information may be sought, to ensure that tenders are able to be assessed on a like-for-like basis, to ensure equity in the process. For example, variations in the manner of presentation of information, or variations in inclusions/exclusions by different tenderers, may give rise to such requests. This is not unusual with large, complex projects. It is also the case that, on the basis of information provided by one or more tenderers, queries may arise during the assessment process, as to interpretation of project specifications or contract conditions. In such cases, all tenderers will be informed and may be requested to provide additional information. Where necessary, all tenderers are requested to advise whether or not the additional information requested requires them to adjust pricing or other elements of their offer. A key role of an assessment panel is to ensure that, for conforming tenders being assessed, the information is sufficient and confirmed to enable equitable comparison of each tenderer's best-and-final offer. In the case in point,

particular care was taken to ensure every conforming tenderer had equal opportunity to provide any additional information required for the assessment process, prior to completion of the assessment and submission of the assessment report to Council.

b) Elimination of discretionary non-priced criteria (unless there is a compelling case to do so) to avoid perceptions of bias, similar to Main Roads WA practice.

Response:

Local Governments in WA have a statutory obligation to seek Best Value for Money. Federal, State and Local Governments all recognise that price alone may not deliver best value for money, and it is standard practise across the three spheres of Government, in RFT documents, to highlight this fact, clearly stating that lowest price may not be accepted for the purposes of awarding contracts. As noted in the response to Question 3, in the case in point Price only counted for 60% of the tender assessment process. A bridge crossing rail and road infrastructure is high cost, technically complex in design and construction, and high risk. Demonstrated technical understanding of the project deliverables, and of the cost, complexity and risks in design and delivery, having personnel available with essential specialist skills and experience, having relevant project management and delivery experience, and the organisation having adequate financial, insurance, plant and other resource capacity or guaranteed subcontract capacity to be able to undertake and successfully complete such a project – these are all “unpriced” tender assessment criteria, but they are *Mandatory*, not ‘discretionary’ tender assessment criteria for the Bridge project. The RFT document seeks very specific information in relation to these mandatory requirements, providing equal opportunity for respondents to demonstrate their case, to enable their assessment on an objective as possible basis. Tender assessment panels are assembled, with specialist skills appropriate to the value, nature, complexity and scope of a project and in the case of the bridge tender assessment the panel included highly experienced specialists from both the City and key State Government stakeholder agencies with responsibility for the transport infrastructure and reserves under the proposed bridge. The City regards any publicly expressed perception of bias in the outcome of a tender assessment process involving such a highly experienced specialist multi-agency panel, which applied thorough and rigorous disciplines to the assessment process, as wholly uninformed and mischievous.

- c) More effort in preparation of tender documentation to eliminate conditioning of tenders by bidders and future claims in project delivery*

Response:

Elimination of “conditioning” of tenders by RFT respondents is of course an underlying objective in any civil construction project tender process. Standard practise is to include a draft proposed set of contract conditions, framed per current Australian standards, inviting all RFT respondents to examine the draft conditions of contract and, as part of their Tender, to advise of any clauses or parts of clauses they seek to have altered. Any changes proposed by a tenderer to either project specifications, or to project contract conditions, or any ‘subject-to’ constraints on any element of the tender and leaving scope for predictable contract variations during the project, are scrutinised closely during the tender evaluation process. That scrutiny of any contract or specification variations or conditions proposed by any tenderer enables comparison/contrast between submitted tenders, as part of the broader appraisal aimed at achieving best value for money.

- d) Improvement in tender assessment guidelines and practice to avoid council being caught up in negotiations with only one tenderer that can lead to price escalation and/or erosion of contract conditions and scope of works to the detriment of ratepayers.*

Response:

Issues associated with the Bridge project have actually had very little to do with tender assessment guidelines and practices. As noted above, the Bridge tender process was unique, with a bridge to cross over existing essential rail and road infrastructure, the Southern Transport Corridor, and necessarily involving stakeholders external to the City – the PTA, Brookfield Rail, Main Roads WA. The uniqueness of circumstances needs to be understood. The long term lease contracted arrangement between PTA and Brookfield Rail required entry of City/PTA/Brookfield into a binding tripartite agreement, without which a license to construct the bridge across the rail reserve could not be issued to the bridge construction contractor. Accordingly, the conditions of the tripartite agreement (a pre-requisite for issue of a construction license) were required to become explicit conditions of the construction contract between the City and the Contractor. Accordingly, it was not possible for the PTA and the City to negotiate the tripartite agreement with Brookfield Rail, without a preferred tenderer at the negotiating table. As noted above - it would not have mattered which tenderer was designated as preferred, for the purposes of that negotiation process – the new conditions and incremental project costs, consequential to the tripartite agreement, would have impacted in the same way. The probability of the City ever encountering such unique circumstances again are exceedingly remote.

Question

Why do Council have a non-disclosure, non-transparency policy in place with respect to tender results when an open and transparent policy would alleviate so much of the mistrust and doubt in the minds of ratepayers and tenderers and be fairer for all concerned?

Response

The City does not have a policy of blanket non-disclosure of tender prices. Standard City RFT documents advise prospective respondents that pricing information submitted may be made public.

The City always publicly discloses the price of the *successful* preferred tenderer, and publicly discloses the names of all respondents to an RFT.

Unsuccessful respondents to an RFT are advised of the outcome, following a Council decision to determine a preferred tender and award a contract, and are always offered the opportunity for a private post-tender briefing with the City, to enable them to ask questions as to where their tender was assessed as being less favourable than the winning tender. This process is designed to enable tender respondents to raise any concerns they may have regarding process, and also to inform respondents, so that they may better position themselves to compete for future contracts.

It is important to note that achieving *Best Value for Money* is the primary goal of tender assessments in Local Government. Price is *not the only consideration*, and each RFT indicates the assessment criteria against which tenders will be assessed, and their relative weighting. In the case in point, the tender assessment criteria and weightings were as follows:

Tenderer Price = 60%
Relevant Experience = 10%
Key Personnel Skills and Experience = 10%
Tenderer's Resources = 10%
Demonstrated Understanding = 10%

Offering observations about tender results, based on price comparison alone, is thus inappropriate and may be misleading. Any commentary should embrace all assessment criteria, and address the essential overriding importance of best value for money.

Following the tender assessment against the weighted assessment criteria the City undertakes a through value-for-money assessment of all tenders received, to determine factors which demonstrate best value for money.

This assessment includes a review of the total cost of ownership of the asset, the technical merit of the tenderers methodology, contract implementation, ongoing warranties and support. It examines the tenderers financial and operational capacity to undertake the contract and the effectiveness of management of risk to the contract. In this

instance the City undertook extensive consultation with shortlisted tenderers on their tender submissions, and on matters in submissions addressing value for money.

The prices submitted in unsuccessful tenders are always provided in the confidential tender assessment report that is provided to the Council, as the basis for the recommendation to Council on tender outcomes.

The report also informs Council of the relative assessments of each tender against every selection criterion and details why the preferred tenderer is considered best value for money.

That report, consistent with best practise, is provided as a confidential agenda item attachment document, to prevent potential canvassing or soliciting of Councillors by unsuccessful tender respondents prior to Council deliberations and decision.

Canvassing or soliciting favour of Councillors in a procurement process has the effect of rendering a tender ineligible for consideration.

For the same reason, draft agenda reports discussed in open forum at Agenda Forums, and final agenda reports for Council meetings, do not include the name or pricing information of the recommended preferred tenderer.

The City always regards tenders submitted as *Commercial-in-Confidence* in the first instance, to protect the commercial pricing information and associated tender submissions of all respondents. Only members of the tender assessment panel may access submitted tender documents.

It is actually the case that some *unsuccessful* tender respondents *do not wish to have their confidential tender prices publicly disclosed*, since that reveals their pricing levels and tendering tactics to competitors and, in some circumstances that can deliver a competitive disadvantage, beneficial to competitors, and adversely impacting the tender respondent on an ongoing basis in the market.

That is, from the perspective of many unsuccessful tender respondents, it would be unfair to disclose their unsuccessful prices to the other tenderers, or to the general public. They argue: 'why should our prices be publicly disclosed to our competitors *if we did not win* the contract?'

They may also question how the public interest is served by providing their competitors with commercial intelligence that they can leverage to their competitive advantage. Across the Business Community, a range of views prevail on this question, largely reflecting the nature of the business, the segment they operate in, and the levels of maturity and extent of competition in that market segment.

While it may be the practise of some State agencies to publicly disclose pricing information from both successful and unsuccessful tenders, and

while acknowledging that such practise may enhance transparency, the City never the less sees legitimate merit in the perspective of those businesses that operate in strongly competitive market segments and would prefer that their *unsuccessful* tender pricing is not made public to their in-market competitors.

The view of many businesses is that the public interest is already well served by the due diligence of all businesses submitting tenders, because their business interests are best served by them seeking any assurances they require, during tender processes, and subsequently via tender debrief processes available to all unsuccessful tenderers, that the tender assessment process was properly conducted, consistent with all public probity requirements. Once the Council makes a decision on a preferred tenderer, the pricing information of that successful tender is immediately made public. Every unsuccessful tenderer is thus able to compare their price against the winning price, and the public report to Council provides information as to relative assessment against the other tender assessment criteria. Every tenderer is thus provided with the information they need to make their own judgements as to the outcome, and they have ample formal avenues to directly pursue any consequent concerns about process effectiveness, equity or probity. Any formal expression of concern or complaint from a tenderer is immediately addressed by the Chief Executive Officer.

The profit-focused business self-interest of losing tenderers is a powerful motivator for close scrutiny of public tender processes. The argument of businesses, that that interest directly serves the public interest, has some obvious merit.

Conversely, the merit logically ceases where business interest strays beyond legitimate scrutiny and, whether directly or by using third parties, crosses the line into attempted interference with due process, or into malicious mischief aimed at competitors or the City or other stakeholders, with obvious intent to gain contracts ahead of other RFT respondents who may have submitted better value-for-money tenders with better demonstrated capacity to deliver.

When such inappropriate (and possibly corrupt) activity is detected, the City will never hesitate to immediately seek legal redress.

It is important to recognise the role of the elected Council in acting in the broader public interest. Councillors play no role whatsoever in the public tender assessment process. A tender assessment panel of staff and, where necessary, additional stakeholder representatives, and technical specialists, are appointed to undertake the tender assessment. They must assess tenders in accord with the assessment criteria for the tender, document their assessment, and present a detailed tender assessment report to the Council which with the Mayor comprises 15 elected members. Elected members review the assessment report, satisfy themselves that the tender process has meet requirements for rigor, equity, probity and best value for money, and Councillors can and

do seek such additional information as they may require to reach an informed decision.

On the matter of information disclosure, obviously, any tenderer who is not concerned about competition effects and is content to publicly disclose their unsuccessful tender price is free to do so at any time, separate from the City.

Any citizen is free to directly ask an unsuccessful tender respondent to do so. The prerogative to disclose in such circumstances rests with the unsuccessful tender respondent.

Where an unsuccessful tender price is not publicly disclosed by the City, a citizen may make an FOI request for the information.

On receipt of such an FOI request, the City advises the unsuccessful tenderer that the information has been requested, and consults them.

The unsuccessful respondent is entitled to indicate their agreement or objection to disclosure of the information.

The City may subsequently elect to disagree with the respondent; however the City will take the unsuccessful tender respondent's views into account when considering whether to release the requested information.

In considering those views, depending on nature of the matter and the circumstances, the City may seek legal counsel on the particular matter, before coming to a decision.

In circumstances where an unsuccessful tenderer advises the City that they object to release of their pricing information, the City's general practise is to advise the person who submitted the FOI request of that objection, asking them to consider the views of the tenderer, and to confirm whether they still wish the City to release the requested information. That is – the City will seek to consult with the stakeholders – both the business that submitted an unsuccessful tender, and the person making the FOI request.

That actually occurred in relation to the FOI request from Mr Correy, where one unsuccessful tenderer objected to release of their pricing information, and after consultation Mr Correy agreed in the circumstances that the City could exclude their information from his FOI request.

If an FOI requestor indicates that they do still want information, despite the objection of an unsuccessful tenderer, then the City must further assess the request, in accord with FOI legislative requirements, including broad public interest tests, and determine whether or not the information will be released, advising the FOI requestor, and providing reasons if release of the information is not supported.

Should the City elect not to release requested information, the person who made the FOI request is then entitled to have the City decision reviewed by the Information Commissioner, who (on public interest and other grounds) may either support or overrule the City decision, and the City is then bound by the Commissioner's determination as to release or otherwise of the information.

In essence – the City is sensitive to the varying views across the Business Community as to public disclosure of pricing information of *unsuccessful* tenderers. There are natural tensions between the legitimate interests of businesses that participate in public tender processes, and legitimate interests in transparency in the public interest, to ensure equity, probity and best value-for-money outcomes for the community. It is not the case that one is “right” and the other “wrong”. The City does not see it as being in the public interest to disclose commercially sensitive information (such as unsuccessful tender pricing information) that could undermine the competitive position of local businesses that provide local employment. The City thus consults business stakeholders accordingly. A one-size-fits-all approach of disclosure of *everything*, regardless, may in fact be contrary to the broader public interest. At the same time, the City is strongly committed to providing sufficient information to enable appropriate demonstration of transparency for public probity purposes. The City continually strives to reach the appropriate balance between the two sets of legitimate interests that, on occasion, are in conflict. Importantly, the City sees the public interests best served by professional and technical rigor in its public procurement processes, and seeks to capture the lessons of every major tender process, aiming to improve the process on an ongoing basis.

Brooke Curtis and Reuben Rowe - Students from Our Lady Mount Carmel Primary School, PO Box 75, Mullewa

Question

We have noticed lately that the shade sail covering the playground next to the pools has disappeared. Is there a reason for this or is there an opportunity for a shade sail to get put in? This would allow for students to play safely outdoors.

Response

The shade sail was torn and has been removed for repairs. It is planned to be re-installed in 2-3 weeks once repairs have been completed.

Question

Around town there has been a lot of graffiti. We were wondering if this could be removed?

Response

This work can be undertaken by the City. The City would just require details regarding the locations of the graffiti and the City's Sanitation team will carry out the work.

Question

Sport is valued in the community particularly by students. Is there an opportunity for more sports events to be made available for children? This would allow for exercise to occur, teamwork instilled and the use of resources such as the recreation centre to be used.

Response

The City of Greater Geraldton runs the Mullewa Youth Centre, and at the moment the Youth Centre has:

- weekly basketball training and a competition on Tuesdays after school,
- a music workshop after school on Wednesdays, and;
- cooking classes after school on Fridays.

Next week is the start of the school holidays. During the school holidays, the Youth Centre is also running lots of sporting events including:

- a 3 on 3 basketball competition at the Recreation Centre,
- an excursion to go body-boarding at Dongara,
- a tennis day at the Recreation Centre,
- an excursion to go snorkelling at Horrock's beach and;
- a bike building and repair workshop during the 2nd week of the school holidays

New rules at the Youth Centre mean that those children that don't cooperate, or who are mean or bully other children will be asked to leave. This has allowed many other well-behaved youths to start using the Youth Centre, and participating in these great activities, and you are encouraged to go along to the Youth Centre either after school or on a Saturday.

Council has agreed to fix up and upgrade the Youth Centre building, and hopefully with the help of some Lotteries West funding, the City will also be able to upgrade some of the areas around the Youth Centre, such as the basketball court, the skate park, and the grassed area between the Youth Centre and the Pool, so that these areas are better suited to sporting activities. Repairs to the skate park will happen in the coming weeks.

The Youth Centre will look at running more sporting activities when school starts again after the holidays next week. The Youth Centre will advise your school what activities are happening and when, and will try to put this in your school newsletter as well.

Public question time concluded at 1.34pm

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

Councillor	From	To (inclusive)
Cr S Douglas	19 August 2015	21 September 2015
Cr J Critch	28 September 2015	8 October 2015
Cr P Fiorenza	14 November 2015	6 December 2015

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

Cr L Graham has requested Leave of Absence for the period of 7 October 2015 to 11 October 2015 be approved.

Cr R de Trafford has requested Leave of Absence for the period of 1 October 2015 to 14 October 2015 be approved.

Cr S Van Styn has requested leave of absence for the period 5 October to 16 October 2015 be approved.

CARRIED 13/0

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

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Nil.

8 DECLARATIONS OF CONFLICTS OF INTEREST

Cr L Graham – Declared an Impartiality Interest in *item DRS227 – Acquisition of Federation Park* as he is a member of the St Francis Xavier Precinct Committee that may benefit from the sale.

Cr N McIlwaine – Declared a Financial Direct Interest in *item IS102 – RFT 26 1415 Construction of Concrete Pathways, Kerbing and Paving – Separable Portions* as he is a salaried employee of a potential supplier to the tenderers.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Ordinary meeting of Council held on 25 August 2015 as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR DETRAFFORD, SECONDED CR HALL

RECOMMENDED that the minutes of the Ordinary meeting of Council held on 25 August 2015 as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 13/0

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

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

DATE	FUNCTION	REPRESENTATIVE
26 August 2015	SKA Regional Stakeholders Group Meeting	Mayor Ian Carpenter
26 August 2015	Air Force balloon to visit country WA	Mayor Ian Carpenter
26 August 2015	ABC Radio interview – Outcomes from Council Meeting	Mayor Ian Carpenter
27 August 2015	Annual Wildflower Show & Morning Tea	Mayor Ian Carpenter
27 August 2015	Spirit FM – Radio Interview – Outcomes from Council Meeting	Mayor Ian Carpenter
27 August 2015	Radio Interview – Senate Inquiry coming to Geraldton	Mayor Ian Carpenter
28 August 2015	Midwest Development Commission - Board Meeting	Mayor Ian Carpenter
29 August 2015	Mullewa Agriculture Show	Mayor Ian Carpenter
31 August 2015	Regular Catch Up - Marketing & Media	Mayor Ian Carpenter
31 August 2015	Regular Catch Up - Mayor & CEO	Mayor Ian Carpenter
31 August 2015	Tourism Sundowner & Official Launch of the 2016 Geraldton Calendar	Mayor Ian Carpenter
31 August 2015	Teleconference Meeting with Shane Love MLA – Discuss Mullewa Future	Mayor Ian Carpenter
1 September 2015	Viewing of New Tox Free Truck	Mayor Ian Carpenter
1 September 2015	Concept Forum	Mayor Ian Carpenter
1 September 2015	Mid West Ports – Update on Beresford Foreshore Project	Mayor Ian Carpenter
3 September 2015	Midwest Development Commission – Briefing on Digital Comms Strategy	Mayor Ian Carpenter
4 September 2015	Grants Commission Meeting	Mayor Ian Carpenter
7 September 2015	Geraldton Regional Airport – F100 with New Qantaslink livery arrival	Mayor Ian Carpenter
7 September 2015	Regular Catch Up - Marketing & Media	Mayor Ian Carpenter
7 September 2015	Regular Catch Up - Mayor & CEO	Mayor Ian Carpenter
7 September 2015	Regular Meeting with Local Member Mr Ian Blayney MLA	Mayor Ian Carpenter
7 September 2015	Mid West Development Commission Dinner – Three Springs	Mayor Ian Carpenter
9 September 2015	F100 with new Qantaslink Livery Presentation	Mayor Ian Carpenter
10 September 2015	Mid West Development Commission – Adrian Stewart – Energy Strategy Discussion	Mayor Ian Carpenter
10 September 2015	Laser Light Initiative Meeting	Mayor Ian Carpenter
10 September 2015	Festival of Surfing – Civic Reception	Mayor Ian Carpenter
15 September 2015	Agenda Forum	Deputy Mayor Neil McIlwaine
16 September 2015	MECCI Business After Hours Event	Mayor Ian Carpenter
17 September 2015	Citizenship Ceremony	Mayor Ian Carpenter
17 September 2015	Certificate Presentation – Strathalbyn Christian College – The Set List Project	Mayor Ian Carpenter
17 September 2015	Early Rates Incentive Prize Draw	Mayor Ian Carpenter
18 September 2015	Western Australian Regional Capitals Alliance Meeting, Perth	Mayor Ian Carpenter
20 September 2015	Sea Princess – Cruise Liner Plaque Hand Over	Mayor Ian Carpenter
21 September 2015	Regular Catch Up - Marketing & Media	Mayor Ian Carpenter
21 September 2015	Regular Catch Up - Mayor & CEO	Mayor Ian Carpenter
22 September 2015	Ordinary Meeting of Council in Mullewa	Mayor Ian Carpenter

11 REPORTS OF INFRASTRUCTURE SERVICES

IS101	COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF)
AGENDA REFERENCE:	D-15-53799
AUTHOR:	W Shi, Infrastructure Planning Engineer
EXECUTIVE:	M Atkinson, Acting Director Infrastructure Services
DATE OF REPORT:	01 September 2015
FILE REFERENCE:	GS/1/0012
APPLICANT / PROPONENT:	Geraldton Tennis Club, Geraldton Golf Club
ATTACHMENTS:	Yes (x2 Confidential)

EXECUTIVE SUMMARY:

The objective of this report is to review and provide a formal Council position on two (2) Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants applications.

EXECUTIVE RECOMMENDATION;

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

1. SUPPORT the Geraldton Golf Club CSRFF Small Grant application for installing new pumps and mainline piping;
2. LIMIT the City of Greater Geraldton's contribution to not exceed the contribution made by the Department of Sport and Recreation through the CSRFF process to a maximum of \$50,000 ex GST for the Geraldton Golf Club;
3. ADVISE the Geraldton Golf Club that any shortfall in funding for the project is the Club's responsibility to which must be confirmed prior to commencement of the project; and
4. DEFER consideration of the Geraldton Tennis Club CSRFF Small Grant application until such time that the new lease agreement has been negotiated to allow an informed assessment of the club's financial position and capacity to maintain and renew the existing and proposed infrastructure

PROponent:

The proponents are Geraldton Tennis Club and Geraldton Golf Club.

BACKGROUND:

The State Government through the CSRFF provides funding to assist sporting groups improve their facilities. The fund is administered through the Department of Sport and Recreation (DSR) and organisations must discuss their projects in depth with the local DSR representative before submitting applications.

In most instances CSRFF grants are offered on the basis of 1/3 funding from the applicant sporting body, 1/3 CSRFF and 1/3 Local Government. Some

applications will be eligible for up to one half of the project cost if the project meets key development principles. The total state pool for CSRFF grants is \$7 million for the 2016/17 financial year distributed across the state. Small Grants as defined by CSRFF guidelines is for projects where the total project cost does not exceed \$200,000. CSRFF Small Grants rounds are offered twice a year, applications successful in the August 2015 round will be funded in the 2015/16 financial year.

Applications for CSRFF Small Grants September 2015 Round:

Geraldton Tennis Club

Geraldton Tennis Club submitted a request to resurfacing of two existing hard courts. This project has a total project cost of \$16,223 ex GST making the City's required 1/3 contribution a maximum of \$5,407 ex GST.

These two existing hardcourts are suffering with extensive wear to the courts bitumen surface and cracks in courts. Resurfacing these two tennis courts would provide their members and other users with a higher quality playing environment.

This project was approved by the Council through variation to the executive recommendation on 24 March 2015 as part of CSRFF Small Grants March 2015 Round. However the application was not supported by DSR at the time due to lack of long term planning and the club need to consider reducing the number of grass courts to manage the ongoing costs of the facility in the long run.

The Geraldton Tennis Club's application has been assessed by City officers and is not supported on the basis that;

- a. The lease between Geraldton Tennis Club and The City of Greater Geraldton has expired and a new agreement has yet to be entered into;
- b. New lease conditions will likely have a significant impact on the club's financial situation e.g. funding to maintaining existing 23 turf courts; and
- c. More information and financial planning is needed from the Geraldton Tennis Club to show that the club has capacity to continue to maintain both existing 23 turf courts and two planned hard courts.

Geraldton Golf Club

Geraldton Golf Club (GGC) submitted a request to install new pumps that serves the 18 hole course and mainline piping for the South East 9 holes course. This project has a total project cost of \$150,000 ex GST making the City's required 1/3 contribution a maximum of \$50,000 ex GST.

At present the pump house and mainline are coming to the end of their lifespan and as such the constant maintenance and temporary repairs are becoming cost prohibitive to maintain as well as a significant drain on valuable

voluntary member services. By installing new pumps and mainline piping there would be many positive outcomes for the GGC and the wider Midwest community.

The Geraldton Golf Club's application has been assessed by City officers and is supported on the basis that;

- a. The Club has demonstrated sound strategic and financial planning toward achieving this project;
- b. The project is financially sustainable – i.e. the Club has planned for life-cycle costs; and
- c. There is an identified need for this project.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Improved sporting facilities will enhance the City's capacity to host sporting events which have the potential to bring visitors to Geraldton and increase overnight visitation to the City which has direct economic benefit. The City is working with Sports Marketing Australia to attract sporting events to Geraldton. These projects align with this objective and have the potential to add to the City's capacity in this area.

Social:

Improvement of sporting facilities in the City lead to community benefits such as health, inclusion, sense of belonging, safety and amenity.

Environmental:

By using Poly Carbonate Piping versus PVC (which is currently used) the club would be using materials that are carbon neutral and produce less greenhouse gas emissions - thus reducing their carbon footprint. Also the new reliable, watering system will enable the GGC to create more green space by planting more greenery off fairway and between holes. There is likely to be water efficiency gains through the new system as there will be less leakage and better coverage of turf requiring shorter watering times.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

The City has supported many CSRFF grants in the past e.g. the Geraldton Netball Association for the replacement of the existing 18 year old stadium floor with a new sprung board floor.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community or Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The total amount allocated in the 2015/16 Budget for progressing projects under CP058 is \$75,000. The current balance remaining in the 2015/16 budget for processing projects under CP058 is \$75,000.

Should the Geraldton Golf Club's application be supported by Council and is successful in attracting full CSRFF Small Grant funding in the March 2015 round, the maximum cost to the City will be \$50,000 (ex GST).

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

As the Regional Capital for the Mid West, many of the City's facilities play a vital role in regional amenity. Strong regional facilities allow regional residents to participate in sporting events and activities without having to travel outside the region.

RISK MANAGEMENT

The City recognises the risk that if projects are not fully funded by CSRFF, applicants can expect the City to meet the shortfall. The Executive Recommendation addresses this risk.

A further risk is the cost for ongoing operations, maintenance and renewal. This risk has been mitigated by evaluation of the applicants financial planning for the project and by clearly communicating to applicants that these costs will be the responsibility of the respective club.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The following options were considered by City Officers:

To support the Geraldton Tennis Club CSRFF Small Grant application for the resurfacing of two existing hard courts.

For the reasons provided previously in this report, this option was discounted.

Cr L Graham proposed an amendment to the Motion

AMENDMENT TO THE MOTION

COUNCIL DECISION

MOVED CR GRHAM, SECONDED CR MCILWAINE

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

- 1. SUPPORT the Geraldton Golf Club CSRFF Small Grant application for installing new pumps and mainline piping;**
- 2. SUPPORT the Geraldton Tennis Club CSRFF Small Grant application to resurface two existing hard courts;**
- 3. LIMIT the City of Greater Geraldton's contribution to one third of the project costs approved by the Department of Sport and Recreation through the CSRFF process to a maximum of \$50,000 for the Geraldton Golf Club and a maximum of \$5,407 for the Geraldton Tennis Club; and**
- 4. ADVISE the Geraldton Golf Club and Geraldton Tennis Club that it is a condition of funding that any shortfall in funding will be their responsibility.**

CARRIED 13/0

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

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:

That the Geraldton Tennis Club is unable to negotiate a new lease agreement as Council has decided to deal with this after the review of support to all Sporting Club and the Geraldton Tennis Club should not be penalised pending the outcome of that review

IS102 RFT 26 1415 – CONSTRUCTION OF CONCRETE PATHWAYS, KERBING AND PAVING – SEPARABLE PORTIONS

AGENDA REFERENCE:	D-15-53261
AUTHOR:	P Faraone, Manager of Service Delivery
EXECUTIVE:	M Atkinson, Acting Director of Infrastructure Services
DATE OF REPORT:	17 August 2015
FILE REFERENCE:	RO/6/0007-02
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2 Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 26 1415 Construction of Concrete Pathways, Kerbing and Paving – Separable Portions to the preferred tenderers for each portion. The contract is to run for a period of two (2) years to complete budgeted renewal and upgrade works in conjunction with the Works Department's Footpath Maintenance team for the maintenance work on paths, kerbs and paving. The initial contract will be in place from 1 October 2015 to 30 September 2017 with the option for up to a two year extension exercisable at the discretion of the Principal.

EXECUTIVE RECOMMENDATION:

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

1. AWARD RFT 26 1415 Construction of Concrete Pathways, Kerbing and Paving as follows:
 - a. For Separable Portion 1 – Supply and Lay of Concrete to the preferred tenderer;
 - b. For Separable Portion 2 – Supply and Lay of Brick Paving and Block Work to the preferred tenderer;
 - c. For Separable Portion 3 – Supply and Lay of Kerbing to the preferred tenderer;For the period of 1 October 2015 to 30 September 2017; and
2. RECORD the tendered rates in the minutes.

PROPONENT:

The proponent is The City of Greater Geraldton.

BACKGROUND:

Tenders were advertised in the Geraldton Guardian on Friday 12 June 2015, the West Australian on Saturday 13 June 2015 and through the WALGA TenderLink e-Tendering Portal, the closing date for all tenders was 1.00pm Thursday 2 July 2015. 21 suppliers registered to receive copies of the tender, of the 21 requests 5 tender submissions were received all of which were compliant. The 5 submissions were received from:

- a. ContiCrete;
- b. Geraldton City Concrete;
- c. Geraldton Limestone and Retaining Walls;
- d. Hurlock Holdings Pty Ltd; and
- e. Midwest Kerbing.

The City has previously resolved to adopt a two year supply tender period for a variety of goods and services used in the construction and maintenance programs. There has previously been a two year contract for the construction of concrete pathways, kerbing and paving which proved successful in the City achieving its annual budgeted renewal and upgrade works. These services can also be used in the Mullewa District to assist current resources.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Two yearly supply tenders allow Infrastructure Services managers and supervisors to carry out footpath works from proven suppliers at known costs.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Two yearly supply tenders have been used since pre-amalgamation between the former City of Geraldton, the former Shire of Greenough and the former Shire of Mullewa. This has proven to be a successful method of obtaining goods and services from quality suppliers at known costs.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

The City of Greater Geraldton has adopted a purchasing policy which refers to the purchase of all levels of goods and services through either quotations or through tenders.

The policy provides compliance with the requirements of the Local Government Act 1995 and the Local Government Act (Functions and General Regulations) 1996. Additional to the policy, procedures have been developed for both purchasing through quotations and tenders to guide staff when purchasing goods and services for the City of Greater Geraldton.

FINANCIAL AND RESOURCE IMPLICATIONS:

Prices tendered are recorded and utilised for future project pricing. The table in the confidential attachment indicates comparative prices of all services and products. Budget allocation is as a service supply and delivery, which is within the annual construction (budget projects) and maintenance budget provisions.

INTEGRATED PLANNING LINKS:

Title: Economy	A dynamic, diverse and sustainable economy
Strategy 4.2.1	Developing more efficient transport options that are secure and safe to sustain our lifestyle

REGIONAL OUTCOMES:

To develop a functional network of roads, paths and drainage.

RISK MANAGEMENT

As part of the procurement process a risk rating analysis was undertaken, this project was allocated a risk rating of significant. This proposal offers the opportunity to renew current deteriorated pathways and associated infrastructure that are past their service life back to an acceptable level reducing current significant risk of slip trips and falls and improvement to access. It is identified that in regards to pathway renewals that while the significant risk will reduce, a minor risk will remain in compliance to City Specification due to transitions to existing building frontage and road infrastructure which is common in the CBD.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

No alternative options were considered by City officers.

Cr N McIlwaine – Declared a Financial Direct Interest in item IS102 – RFT 26 1415 Construction of Concrete Pathways, Kerbing and Paving – Separable Portions as he is a salaried employee of a potential supplier to the tenderers and left Chambers at 1.39pm.

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

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

1. **AWARD RFT 26 1415 Construction of Concrete Pathways, Kerbing and Paving as follows:**
 - a. **For Separable Portion 1 – Supply and Lay of Concrete to the preferred tenderer Geraldton City Concrete;**
 - b. **For Separable Portion 2 – Supply and Lay of Brick Paving and Block Work to the preferred tenderer Geraldton Limestone Retaining Walls;**
 - c. **For Separable Portion 3 – Supply and Lay of Kerbing to the preferred tenderer Midwest Kerbing;**
2. **RECORD the tendered rates in the minutes as listed below:**

SEPARABLE PORTION 1: SUPPLY AND LAY OF CONCRETE			Geraldton City Concrete		
			CONCRETE / PAVING / KERBING		
Item Description	Spec	Tender Unit	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
100mm thick concrete pathway	Grey (25MPa)	per m2	45.00	4.50	49.50
	Coloured (32Mpa)	per m2	50.00	5.00	55.00
	Exposed Agg	per m2	90.00	9.00	99.00
150mm thick concrete pathway	Grey	per m2	53.00	5.30	58.30
	Coloured	per m2	66.00	6.60	72.60
	Exposed Aggregate	per m2	105.00	10.50	115.50
300 mm Structural Concrete Slab	double reinforced mesh(F38). 40 mpa concrete.	per m2	112.00	11.20	123.20
Cement spray coatings		per m2	30.00	3.00	33.00
Individual pram ramp		per ramp	1028.00	102.80	1130.80
Supply and installation of tactiles		per tile	30.00	3.00	33.00
Supply of additional fill sand		per m3	20.00	2.00	22.00
Adjustment of manholes, Telstra pits, service lids		per m/hr	40.00	4.00	44.00
Backfill – nominal 200mm (materials, labour and plant)		per m2	2.00	0.20	2.20
Traffic management		per hour	TM varies job by job		
Removal of existing pathways.					
Service Description		Tender Unit	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Concrete Slabs		per m2	2.50	0.25	2.75
Asphalt		per m2	2.00	0.20	2.20
In-situ Concrete		per m2	15.00	1.50	16.50
Standby Rates.					
Service Description		Tender Unit	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Standby rate		per hour			
*The Principal offers no guarantee of quantities of the products required.					

SEPARABLE PORTION 2: SUPPLY AND LAY OF BRICK PAVING AND BLOCKWORK					
				Geraldton Limestone Retaining	
				PAVING ONLY	
Item Description	Spec	Tender Unit	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Supply and lay brick paving	50mm	per m2	124.00	12.40	136.40
	60mm		126.00	12.60	138.60
	76mm		130.00	13.00	143.00
Supply and lay blockwork		per block			
	500x350x240		35.00	3.50	38.50
	1000x350x350		56.00	5.60	61.60
Footings Block Retaining walls	1000mm x 400mm	Per metre (sand)	75.00	7.50	82.50
Footings Blockwalls /screenwalls	400mm x 350mm	Per metre (concrete)	105.00	10.50	115.50
Specialised works (Arches/semi or circle/steps/entry statements/tiers/piers)	per man	hour	quote	\$55 / man	
Backfill – nominal 200mm (materials, labour and plant)		per m2	19.00	1.90	20.90
Traffic management		per hour	130.00	13.00	143.00
Removal of existing brick pathways.					
Service Description	Tender Unit		Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Removal and disposal of brick paving	per m2		22.00	2.20	24.20
Removal and disposal of blockwork	per m3	per tonne	135.00	13.50	148.50
Standby Rates.					
Service Description	Tender Unit		Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Standby rate	per hour	per man	55.00	5.50	60.50
*The Principal offers no guarantee of quantities of the products required.					

SEPERABLE PORTION 3: SUPPLY AND LAY OF KERBING					
				Midwest Kerbing	
				KERBING ONLY	
Item Description	Spec	Tender Unit	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Supply and laying of kerbing	Mountable	per linear meter	1500.00	1 - 50 lm	30.00
	Semi Mountable	per linear meter		51 - 100 lm 101 - 200 lm	20.00 19.00
	Barrier	per linear meter		> 200 lm	18.00
	Flat beam 300x300	per linear meter	1750.00	1 - 50 lm	35.00
	Other Profiles	per linear meter		> 50 lm	35.00
Backfill – nominal 200mm (materials, labour and plant)		per m2	80.00		
Traffic management		per hour	150.00	min 4 hrs	
Removal of existing kerbing.					
Service Description	Tender Unit	Price Tendered (ex GST)	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Removal and disposal of kerbing.	per linear metre		17.50	1.75	19.25
Standby Rates.					
Service Description	Tender Unit	Price Tendered (ex GST)	Price Tendered (ex GST)	GST	Price Tendered (inc GST)
Standby rate	per hour	per person	100.00	10.00	110.00
*The Principal offers no guarantee of quantities of the products required.					

CARRIED 12/0

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

Cr McIlwaine returned to Chambers at 1.41pm.

IS103	KARLOO/WANDINA PROJECT – PUBLIC TRANSPORT AUTHORITY.
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AGENDA REFERENCE:	D-15-53776
AUTHOR:	N Arbuthnot, Executive Director Major Projects
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	7 September 2015
FILE REFERENCE:	PM/4/0067
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1 Confidential)

EXECUTIVE SUMMARY:

This report seeks Council approval to delegate authority to the Chief Executive Officer to negotiate and enter into an agreement with the Public Transport Authority (PTA) to indemnify Brookfield Rail (BR) for costs associated with lowering the rail to allow for double stacked container trains within the term of Brookfield Rail's current lease over the rail corridor.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 6.8 of the Local Government Act RESOLVES to

1. AUTHORISE the Chief Executive Officer to negotiate and enter into an agreement with the Public Transport Authority on behalf of Council to indemnify Brookfield Rail for the costs of lowering the rail at Bridge No. 5371 to allow for double stacked container trains to pass under the Bridge subject to:
 - a. Council's indemnity not exceeding 50% of the reasonable costs determined at the time associated with lowering the rail;
 - b. the Public Transport Authority meeting the balance of costs;
 - c. the lowering of the rail at Bridge No. 5371 is not undertaken in isolation of all structures on the rail between Bridge 5371 is not undertaken in isolation of all structures on the rail between 5371 and the Geraldton Port; and
 - d. that the term of the indemnity shall expire on the date the current lease Brookfield Rail holds over the Rail Corridor expires and does not include any extensions to the current lease should any extensions be negotiated between the Public Transport Authority and Brookfield Rail or any subsequent lessee.

PROponent:

The proponent is the Public Transport Authority.

BACKGROUND:

During negotiations between BR, PTA and the City commencing in late 2012 and carrying through to December 2013 the issue of horizontal and vertical clearances for the rail were a major topic of discussion spread over several months during the design stage of the project. To achieve clearances over the rail, Geraldton Mount Magnet Road and under the Western Power 132 KV power line clearances were critical for effective and efficient design of the

Bridge. Detailed surveys were undertaken of the clearances of all structures between the location of Bridge No. 5371 and the Geraldton Port. Surveys found that these structures had clearances similar to that being proposed by the City. The Public Transport Authority vigorously supported the City's proposed clearances. BR steadfastly opposed the proposed clearances. After several months of negotiations at a meeting held in December 2013 the PTA gave a direction that the clearances proposed by the City were reasonable based on:

1. The existing clearances on three structures between Bridge 5371 and the Geraldton Port had similar clearances.
2. There was, and is a very low risk that doubled stacked container trains would be required on the Geraldton rail in the future.
3. The cost of modifications to the existing structures to accommodate double stacked container trains.
4. The Geraldton Port being a bulk commodities, minerals and iron ore port.

Based on the direction and outcome of the meeting the City's design consultant was instructed to proceed with the design following the direction of the PTA. During the design development stage for the project the 15% and 85% design were submitted to the PTA with the directed clearances and subsequently by the PTA to BR for comment. At no time during this period did BR object to the clearances. At each stage the comments provided by both the PTA and BR were incorporated into the design and agreement was reached regarding the content of the comments.

During the period when the City called for tenders for the construction of the Bridge both the PTA and BR were represented on the Tender Assessment Panel and no mention was made concerning clearances. The City nominated a preferred Tenderer and immediately commenced further discussions relating to access and construction approvals.

In subsequent meetings relating to obtaining the access and construction approvals to enter the Rail Corridor and commence construction at no time has there been any mention or discussion relating to the clearances.

The City has now been advised by the PTA that BR require indemnity based on their lease agreement with the PTA to ensure quiet enjoyment of the full width of the corridor (approximately 45+/- metres) for the term of the lease which has 34 years to run. This in effect means that BR is refusing access and approval to enter the Rail Corridor until such indemnity is provided.

The PTA have agreed to provide indemnity for the total cost of the horizontal clearance which may, in the unlikely event of doubled stacked container trains requiring access to the Geraldton Port, mean at some future date during the term of the lease substantial structural modifications to Bridge No. 5371 would be a requirement. For this to happen, substantial and costly transport infrastructure modifications and improvements beyond Bridge 5371 would be an essential pre-requisite.

The PTA has also stated that they would meet up to 50% of the cost of lowering the rail at Bridge 5371 and have requested the City to meet 50% in the unlikely event that the rail will need to lower during the term of the current lease.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There would need to be significant changes in capacity and capability of freight handling infrastructure to accommodate double stacked container trains. If Oakajee proceeds at some time in the future infrastructure challenges for access to the Geraldton Port will not eventuate.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/Councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The financial implications of meeting the PTA's requirement for a 50% indemnity would be up to \$1.5m, in today's dollars (which would be carried as a contingent liability in the City's financial statements for the duration of the Brookfield lease), if in the unlikely event of the Geraldton line being the only double stacked container train line operating on a narrow gauge in Western Australia and for that matter in Australia. The indemnity would be for the value at the time. The risk is assessed as low due to the existing constraints that work against double stacked container trains using the Geraldton Port.

INTEGRATED PLANNING LINKS:

Title: Economy	Transportation
Strategy 4.2.1	Developing more efficient transport options that are secure and safe to sustain our lifestyle.

REGIONAL OUTCOMES:

There are no immediate or foreseeable impacts to regional outcomes.

RISK MANAGEMENT

Should a suitable agreement not be reached the project will stall and the City will face delay costs for the time it takes to reach a suitable outcome. In the event that an agreement cannot be met, there would be serious implications for the Karloo/Wandina Project including delay costs payable to the contractor, as well as not meeting funding milestones of the Building Better Regional Cities Project. In the event that a suitable agreement is reached delay costs can be minimised. Failure to provide a bridge crossing compromises the delivering of the intentions of the grant and potential redundant infrastructure investment.

In the event that an agreement is reached the financial risk to the project and the City is assessed as low and will only occur at a time if and when the rail requires lowering.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The following option was considered by City Officers:

Not to provide an indemnity. This option will increase risk to the project and the City and will add delay costs to the project for no real benefit to the City.

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

That Council by Absolute Majority pursuant to Section 6.8 of the Local Government Act RESOLVES to

- 1. AUTHORISE the Chief Executive Officer to negotiate and enter into an agreement with the Public Transport Authority on behalf of Council to indemnify Brookfield Rail for the costs of lowering the rail at Bridge No. 5371 to allow for double stacked container trains to pass under the Bridge subject to:**
 - a. Council's indemnity not exceeding 40% of the reasonable costs determined at the time associated with lowering the rail;**
 - b. the Public Transport Authority meeting the balance of costs;**
 - c. the lowering of the rail at Bridge No. 5371 is not undertaken in isolation of all structures on the rail between Bridge 5371 is not undertaken in isolation of all structures on the rail between 5371 and the Geraldton Port; and**
 - d. that the term of the indemnity shall expire on the date the current lease Brookfield Rail holds over the Rail Corridor expires and does not include any extensions to the current lease should any extensions be negotiated between the Public Transport Authority and Brookfield Rail or any subsequent lessee.**

CARRIED BY ABSOLUTE MAJORITY 12/1

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

IS104	CHARGING OF DOMESTIC TRAILERS & PENSIONER BULK REFUSE BINS
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AGENDA REFERENCE:	D-15-53897
AUTHOR:	M Wong, Manager Waste & Energy Services
EXECUTIVE:	M Atkinson, Acting Director Infrastructure Services
DATE OF REPORT:	4 September 2015
FILE REFERENCE:	WM/3/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

EXECUTIVE SUMMARY:

This report seeks Council's endorsement to provide one week's free general waste tipping every six (6) months; to provide two (2) additional free weekends of green waste tipping for domestic trailer loads of waste during each six (6) month period; and the implementation of the pensioner bulk bin program.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE one (1) week of free tipping for City of Greater Geraldton residents on all domestic waste (to a maximum of 300kg per entry for General Refuse except green waste) every 6 months of the calendar year;
2. ENDORSE two (2) additional weekends during each 6 month period of the calendar year for the free tipping of clean domestic green waste alone for residential clients;
3. ADOPT the Pensioner Bulk Bin Program;
4. REVIEW the Charging of Domestic Trailers, and the Pensioner Bulk Refuse Bin collection program prior to adopting the 2016/17 financial year's Budget; and
5. APPLY previously endorsed fees and charges for 2015/16 financial year.

PROPONENT:

The proponent is The City of Greater Geraldton.

BACKGROUND:

The Council Decision made at the Special Meeting of Council on 2 July 2015 was:

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

- C. 2015-16 FEES AND CHARGES

15. *ADOPT the 2015 / 2016 Schedule of Fees and Charges.*

Cr Graham put forward the following New Motion

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

1. *TAKE no action with respect to fees associated with the disposal of uncontaminated green waste, until such time that the matter has been further considered by Council;*

On 1 September 2015 a briefing note was brought before the Council during the Concept Forum to highlight both the potential benefits and implications of introducing a domestic user-pay system at the City's Meru Waste Disposal Facility (MWDF) come 1 October 2015. Proposed costs for the system include charging \$10 at the gate for loads of mixed waste and \$5 for clean green waste that is suitable for mulching. There are also separate periods during the year whereby both green waste and general refuse may be disposed of at no cost to the rate payer; additionally a mechanism for allocating bulk refuse bins to Pensioners was also raised.

In order to ascertain the fee chargeable, data from traffic counts conducted during in a typical Geraldton summer, from November 20 2014 until December 8 2014 (with neither public holidays nor long weekends during this period) was used. No margin of error was added to account for additional trailer loads; it also assumed that green waste was brought in by both residential vehicles and trailers and commercial clients, who currently do not pay.

Additional data used to compile figures was obtained using the Mandalay Weighbridge Software, as well as traffic counts based upon the Austroads 94 Vehicle Classification Scheme; which also assumes that passenger vehicles consists of cars, utilities, 4WDs and SUVs either on their own, or when towing a trailer not exceeding 300kg.

Historical weighbridge data indicate that the number of domestic trailers during the months of March through June, as well as September through December record the highest number of residential trailers. Given this evidence, the timeframe most suited for residential Free Tipping Periods would be once every 6 (six) months for the disposal of general refuse and an additional weekend every quarter for clean green waste alone. Therefore the proposed free tipping periods are:

- 1) March – 1 week (7 days) for domestic waste to a maximum volume of 300kg. There are no limitations on the volumes of green waste accepted during this week;
- 2) June – 1 weekend (1 Saturday and the adjoining Sunday) for clean domestic green waste alone;
- 3) September – 1 week (7 days) for domestic waste to a maximum volume of 300kg. There are no limitations on the volumes of domestic green waste accepted during this week; and
- 4) December – 1 weekend (1 Saturday and the adjoining Sunday) for clean domestic green waste alone.

The dates once decided will be advertised using the City's media channels. To provide certainty on what constitutes green waste alone, the Environmental Protection Agency (EPA) defines it as the vegetative portion of the waste stream arising from various sources including waste from domestic and commercial premises and municipal operations that is biodegradable. This vegetative portion comprises of plants and their component parts such as flower cuttings, hedge trimming, branches, leaves, plant seeds, grass, shrub and tree lopping, tree trunks and stumps, and any mixture of similar materials. Clean green waste contains very little, to no foreign matter.

Contamination levels within the green waste impact upon the quality of the final product that is sold, mulch produced by green waste having high contamination rates would unfortunately be landfilled, further impacting upon the overall MWDF's cell life in the future. When contaminated green waste is used in exposed places such as garden beds within the City's parks, the non-degradable component remains, creating a potential windblown litter source if not removed in a timely manner; whereas the biodegradable component breaks down over time, on the other hand a clean single stream feedstock equates to an end product that not only is aesthetically pleasing, it has significant moisture retention properties when used in suitable places.

Pensioner Bulk Bin Allocation

During the 2015/16 Budget deliberation, a budget was allocated for the provision of 1 X 3m³ bulk bin per property each year to eligible pensioners in place of a bulk verge side collection service. In order for a resident to qualify, they need to reside in Geraldton and hold a current Pensioner Concession card (Full details on the Terms and Conditions are in the form which forms the attached). Once the form has been filled and approved, residents will be required to book the collection time. They will then be programmed on a first come - first served basis.

It has been determined that the budget allows for up to thirty (30) pensioner bulk refuse bin services per month. This figure is not fixed due to operational uncertainties and the City is unfortunately unable to guarantee availability to all eligible residents.

Bins will be placed onsite for a period of 7 days at a time and date suitable to the City. The specific bin type or location would be determined by the City, or City's agents, due to environmental constraints, such as accessibility or obstructions. Although, weight is not a criterion, these bins have specific clauses around what can be placed within them, together with the volume of the contents. Cardholders are responsible for abiding by the terms and conditions stipulated in the Form. This will be subject to review of operational performance.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There is the potential for generating a good, quality mulch product that is saleable to both residential and commercial clients.

Social:

This proposal ensures that residents are not disadvantaged by service level changes.

Environmental:

There is the potential to obtain a mulch product that will aid in a variety of environmental benefits, most notably with moisture retention properties.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

This was addressed at the Special Meeting of Council on 2 July 2015.

COMMUNITY/COUNCILLOR CONSULTATION:

This was discussed at the 2015 September Concept Forum.

LEGISLATIVE/POLICY IMPLICATIONS:

One of the objectives of the State Waste Strategy, developed pursuant to the *Waste Avoidance and Resource Recovery Act 2007* was to use existing economic instruments to assist the financial viability of actions that divert waste from landfill and recover it as a resource.

FINANCIAL AND RESOURCE IMPLICATIONS:

Implementing a charge on domestic trailers for green waste has the potential to add a net \$17,744 into the MWDF revenue, however the MWDF facility contractor may seek a variation to their contract for additional staff to implement the new user pays system.

The Pensioner Bulk Bin Program currently has a \$75,000 budget; this service would be provided on a first come first served basis and would be apportioned over the financial year. Service provision is limited to this budget.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community

REGIONAL OUTCOMES:

The MWDF functions as a Regional facility. Implementing a user pay system may have impacts on both the City and neighbouring Shire facilities and open spaces.

RISK MANAGEMENT

Revenue from increased gate sales at the MWDF is only estimated, the proposal may need to be revisited in future subject to performance. There is also the potential for increase in expenditure associated with illegal dumping which the City will monitor.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

Implementing a user pay system requires consideration of multiple aspects. Not only is the price to charge a factor, a whole series of other areas to be considered would include: the timeframe to introduce such a system; what (if any) the end product would be; what market sectors drive the demand for such product; right through to alternatives to charging at all; and the indirect costs from the implications of introducing a new system.

After investigating a few options, one of the likely alternatives would be to introduce a flat fee for each trailer. Without a differential pricing, there is a likelihood that separation of the green waste from the refuse may not occur, thereby impacting upon the quality of green waste suitable for shredding and subsequent sale as mulch. The other impact would be volume of material that has to be landfilled as a result of contamination.

One of the benefits would be the smaller quantities of good, clean feedstock as customers who are genuine about source separation will do so. This equates to a reduced operating cost from the contractors having to sort out the clean product from the contaminated product.

Alternatives notwithstanding, the Executive Recommendation is still deemed the preferred option.

Cr R deTrafford proposed an amendment to the Motion

Cr S Van Styn foreshadowed to defer this Item should it be lost.

AMENDMENT TO THE MOTION**COUNCIL DECISION****MOVED CR DETRAFFORD, SECONDED CR HALL**

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

- 1. ENDORSE one (1) week of free tipping for City of Greater Geraldton residents on all domestic waste in trailers; utilities and light trucks to 3 tonne every 6 months of the calendar year;**
- 2. ENDORSE two (2) additional weekends during each 6 month period of the calendar year for the free tipping of clean domestic green waste alone for residential clients;**
- 3. ADOPT the Pensioner Bulk Bin Program;**
- 4. REVIEW the Charging of Domestic Trailers, and the Pensioner Bulk Refuse Bin collection program prior to adopting the 2016/17 financial year's Budget;**
- 5. APPLY previously endorsed fees and charges for 2015/16 financial year;**
- 6. WAIVE the landfill fees for eligible Not-For-Profit organisations on General Waste, Builders Waste and Green Waste throughout the year; and**
- 7. REVIEW in six months and provide a report to Council.**

CARRIED ABSOLUTE MAJORITY 10/3

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

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:
The criteria which determines whether (or not) these Not-For-Profit organisations will be eligible is based upon merit. Organisations whom are able to demonstrate that their activities achieve overarching environmental health benefits will be given free entry into the Meru waste disposal Facility for the 3 categories of waste (to a maximum of 500kg), whereas others will continue to be charged throughout the year. A review will be undertaken six months and a report provided to Council

IS105	RFT 01 1516 REPLACEMENT OF EXISTING AIR CONDITIONING PLANT IN QUEENS PARK THEATRE
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AGENDA REFERENCE:	D-15-54848
AUTHOR:	G Sherlock, Manager Project Design & Delivery
EXECUTIVE:	M Atkinson, Acting Director Infrastructure Services
DATE OF REPORT:	10 September 2015
FILE REFERENCE:	PM/4/0060
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1 Confidential)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to award RFT 01 1516 Replacement of Existing Air Conditioning Plant in Queens Park Theatre to the preferred tenderer.

EXECUTIVE RECOMMENDATION;

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

1. AWARD the contract for RFT 01 1516 Replacement of Existing Air Conditioning Plant in Queens Park Theatre to the preferred tenderer; and
2. RECORD the tender amount for RFT 01 1516, Replacement of Existing Air Conditioning Plant in Queens Park Theatre in the minutes.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The 673 seat Queens Park Theatre was built between 1981 and 1982 by the Geraldton Building Company Pty Ltd which included the building construction and the installation of the Mechanical Services systems.

The building construction work is of good quality, and the building is considered to be in good condition for its age. Similarly, the Mechanical Services components were of good commercial quality; however the machinery has reached the end of its life and must be replaced. To facilitate the mechanical services modifications, the entire asbestos roof also needs to be replaced with acoustically treated metal sheeting, the re-roofing contract is a separate contract, however, it will run concurrently with the air conditioning replacement.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The project outcome will be the enhancement to the Queens Park Theatre's built structure to improve current accessibility standards and offer contemporary conference and theatre amenities. This will enable the Theatre to operate effectively in summer (for an additional three months of the year, or 25% of the time), increase its accessibility, and improve its conference and theatre amenities. It is estimated that the Theatre's economic impact could increase by 50%; this translates to a projected increase in revenue from \$795,000 to \$1,192,500. Over the 20-year life of the renewed facility the total projected increase will be \$7,900,000 (from \$15,900,000 to \$23,850,000).

Social:

The project, once completed, will be able to again attract shows both nationally and internationally. Theatre patrons will enjoy greater year round comfort during performances.

Environmental:

There will be a reduction in CO₂ emissions as a result of the change in the cooling system. Projections show that there will also be a 12%-15% reduction in electricity consumption.

Cultural & Heritage:

The Theatre is the City's home of performing arts and this project extends the life of the facility.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been Council and community consultation undertaken on various occasions with both internal and external stakeholders having an opportunity to contribute.

LEGISLATIVE/POLICY IMPLICATIONS:

This project complies with Building Code of Australia (BCA) requirements.

FINANCIAL AND RESOURCE IMPLICATIONS:

The available project budget is \$3,200,000 which is solely funded by the City of Greater Geraldton.

INTEGRATED PLANNING LINKS:

Title: Culture	The Arts
Strategy 1.3.1	Fostering and Facilitating art in all its forms
Strategy 1.3.4	Attraction of large art exhibitions.
Title: Environment	Sustainability
Strategy 2.3.2	Delivering projects utilising best practise to ensure timely, cost effective and quality outcomes.

Title: Economy	Lifestyle and Vibrancy
Strategy 4.1.5	Developing and promoting Greater Geraldton as a preferred cultural, environmental and agri/aquaculture tourism destination

REGIONAL OUTCOMES:

This project will enhance the Theatre to offer contemporary conference and theatre amenities. This will increase investment through attracting a wider range of users at all times of the year, including conference and convention organisers, production companies, and overnight visitors for events. Furthermore, it will build partnerships in the region by enabling tours to be hosted all year (tours that may continue on to other areas of the Mid West and beyond), as well as conferences and conventions that foster cross-region collaboration.

RISK MANAGEMENT

Procurement of air-conditioning units has a long lead time and delay of award is likely to delay completion of the project. This will be addressed by working closely with the preferred contractor to ensure the units will be delivered as per the agreed schedule with the City.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The City and its consultants considered 3 separate options overall:

1. Option 1 – A Hybrid Bore Water Pre-Cooling System.
2. Option 2 – Geothermal System.
3. Option 3 – Move from an Air Cooled Condensing Unit to a Water Cooling Tower.

The City's preferred option was Option 3 as it requires a smaller capital outlay, meets the current and future needs of the facility and will provide much tighter controls of the BMS System going forward. It also creates a system with air handling plant at a serviceable location within the chiller compound which would also remove the need for service personnel to work in the ceiling voids.

COUNCIL DECISION

MOVED CR HALL, SECONDED CR TANTI

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

1. **AWARD the contract for RFT 01 1516 Replacement of Existing Air Conditioning Plant in Queens Park Theatre to Cramer & Neil Refrigeration; and**
2. **RECORD the tender amount for RFT 01 1516, Replacement of Existing Air Conditioning Plant in Queens Park Theatre in the minutes being \$ \$2,554,511 + GST.**

CARRIED 13/0

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

IS106	PLAY EQUIPMENT REPAIR & RENEWAL
AGENDA REFERENCE:	D-15-54948
AUTHOR:	A Patterson, Senior Asset Engineer
EXECUTIVE:	M Atkinson, Acting Director Infrastructure Services
DATE OF REPORT:	10 September 2015
FILE REFERENCE:	GO/6/0013
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The objective of this report is to seek Council endorsement of a repair and renewal plan for the City of Greater Geraldton's play equipment.

A number of the City's playgrounds are currently fenced off and this report recommends an action plan to re-open them.

The Executive Recommendation has been developed from field condition assessments conducted on playgrounds and associated play equipment in July 2015.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the following repair and renewal plan, funded by the endorsed 2015/16 budget, for the following playgrounds:
 - a. Repair play equipment and remove fencing at:
 - i. Forrester Park;
 - ii. GRAMS Reserve;
 - iii. Webber Park (Waggrakine Hall); and
 - b. Renew play equipment (including soft fall) and remove fencing at:
 - i. Pages Beach;
 - ii. Rundle Park;
 - iii. Mahomets Beach;
 - iv. Geraldton Foreshore;
 - v. Glendinning Park;
 - vi. Maitland Park;
 - vii. Muir Park ;
 - viii. Spalding Park; and
 - c. Remove play equipment and fencing (not including edging and/or soft fall) at:
 - i. Clematis Crescent Park;
 - ii. Iduna Park;
 - iii. Jenner Court Park;
 - iv. Levy Street Park;
 - v. Vincent Street;
 - vi. 34 Alexander Street;

- vii. Lester Square;
 - viii. Bugara;
 - ix. Norm Brand Park; and
2. DEFER consideration of the replacement or permanent removal of further non-conforming play equipment until the 2015/16 mid-year budget review.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City is implementing improved asset management practices and has, over a period of 18 months, been undertaking condition assessments of all of its assets. This work identified the need for a more detailed investigation and assessment of the City's playground equipment in relation to safety and compliance with design guidelines.

The audit identified that of the 167 pieces of playground equipment, 31 pieces of playground equipment (18.5%) presented a safety hazard or did not comply to design guidelines. On becoming aware of this, the Chief Executive Officer directed that the non-conforming playground equipment be removed or fenced off in the interests of public safety.

The following table identifies the playgrounds that have been closed or partially closed as a result of the Chief Executive Officers direction:

Playgrounds Closed (fenced/removed)	Playgrounds Partially-closed (some equipment fenced)
Alexander Park - all equipment fenced off	Bugara Park (toilets available) - swings are fenced off
Clematis Park - all equipment fenced off	Glendinning Park (toilets available) - climbing unit is fenced off
Family Day Care Centre - all equipment fenced off	Forrester Park - sport equipment is fenced off
GRAMS Park - all equipment fenced off	Iduna Park - climbing unit is fenced off
Jenner Park - all equipment removed	Lester Square park - climbing unit is fenced off
Levy Street Park - all equipment fenced off	Mahomet's Beach Park - (toilets available) one climbing unit has been removed
Muir Park - all equipment fenced off	Maitland Park - swings are fenced off
Pages Beach Park (toilets available) - all equipment removed	Norm Brand Park - swings are fenced off
Spalding Park - all equipment fenced off, swings removed	Rundle Park (toilets available) - climbing unit is fenced off
Vincent Street Park - all equipment removed	Waggrakine Hall - spring rockers are fenced off

The estimated cost of replacing the non-conforming playground equipment and soft fall areas is \$1.7M, which significantly exceeds the City's budget allocation of \$349,000.

This report recommends the reallocation of the current budget to replace and remove non-conforming playground equipment. The priority for replacement or removal has been developed in accordance with the parks hierarchy detailed in the City's adopted Public Open Space Strategy.

The report also recommends that the replacement or permanent removal of the remaining non-conforming playground equipment be considered in the mid-year budget review.

The City's Infrastructure Services Department is currently developing preventive maintenance programs for playground equipment to ensure that this equipment is better maintained in the future.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

By implementing this repair and renewal plan, City playgrounds will once again be accessible by the community. Playgrounds are recreation spaces for children and promote an active and healthy lifestyle.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

The Executive Recommendation is formulated in alignment with the Council-endorsed Public Open Space (POS) Strategy.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been a media release by the City advising the community of the situation. There is information regarding playground closures on the City of Greater Geraldton's website. Individual members of the community have been in contact with the City regarding the closures.

LEGISLATIVE/POLICY IMPLICATIONS:

The Public Open Space Strategy is a Council-endorsed document and effectively the basis for the Executive Recommendation.

Repairs and renewals endorsed will be in accordance with the relevant Australian Standards.

FINANCIAL AND RESOURCE IMPLICATIONS:

The repair and renewal plan will be funded within the constraints of the endorsed 2015-16 budget. Any additional works and funding would be considered by Council at the mid-year budget review, as per the Executive Recommendation.

INTEGRATED PLANNING LINKS:

Title: Social	Recreation and Sport
Strategy 3.1.2	Encouraging informal recreation through well planned and developed public open spaces, cycle/walk paths and green streetscapes

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

This proposal addresses the risks associated with the deteriorated playground equipment. Safety risk is currently mitigated by fencing off the equipment; however this restricts the public from accessing playgrounds for recreation. The Executive Recommendation proposes a plan to re-open playgrounds in a manner that ensures safety to the public is maintained at all times. Equipment will be repaired or replaced to the relevant Australian Standard. Play equipment will not be re-opened to the public unless it is deemed safe. The replacement equipment will be of a high standard to ensure that whole of life cost to the community is minimised.

Some repair work can be promptly facilitated to avoid the risk of prolonged closures.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

No other options were considered.

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

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

1. **ENDORSE** the following repair and renewal plan, funded by the endorsed 2015/16 budget, for the following playgrounds:
 - a. **Repair play equipment and remove fencing at:**
 - i. **Forrester Park;**
 - ii. **GRAMS Reserve;**
 - iii. **Webber Park (Waggrakine Hall); and**
 - b. **Renew play equipment (including soft fall) and remove fencing at:**
 - i. **Pages Beach;**
 - ii. **Rundle Park;**
 - iii. **Mahomets Beach;**
 - iv. **Geraldton Foreshore;**
 - v. **Glendinning Park;**
 - vi. **Maitland Park;**
 - vii. **Muir Park ;**
 - viii. **Spalding Park; and**
 - c. **Remove play equipment and fencing (not including edging and/or soft fall) at:**
 - i. **Clematis Crescent Park;**
 - ii. **Iduna Park;**
 - iii. **Jenner Court Park;**
 - iv. **Levy Street Park;**
 - v. **Vincent Street;**
 - vi. **34 Alexander Street;**
 - vii. **Lester Square;**
 - viii. **Bugara;**
 - ix. **Norm Brand Park; and**
2. **DEFER** consideration of the replacement or permanent removal of further non-conforming play equipment until the 2015/16 mid-year budget review.

CARRIED 13/0

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

12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS131 CEO PERFORMANCE REVIEW	
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AGENDA REFERENCE:	D-15-51254
AUTHOR:	M Adam, Executive Assistant
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	4 September 2015
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	The City of Greater Geraldton
ATTACHMENTS:	Yes (x1 Confidential)

EXECUTIVE SUMMARY:

The purpose of this item is to seek Council's endorsement of the Chief Executive Officer's (CEO) performance review and performance plan for 2015/16

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.38 of the Local Government Act RESOLVES to:

1. ENDORSE and give effect to the recommendations of the CEO Performance Review Committee of the 18 August 2015.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The Council has a responsibility under the Local Government Act 1995 (sections 5.36-5.39) to review the CEO's performance at least annually and set performance criteria so the CEO is clear on the expectations of Council.

The CEO Performance Review Committee held a meeting on 18 August 2015 to review 2014/15 performance and make recommendations for performance criteria for 2015/16. Attached are the minutes of the Committee meeting.

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

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

This is an annual requirement.

COMMUNITY/COUNCILLOR CONSULTATION:

All Council members and executive staff have had input into the performance feedback of the CEO by virtue of a 360 degree survey.

LEGISLATIVE/POLICY IMPLICATIONS:

Part 5 of the Local Government Act 1995 relates to the employment of staff. Section 5.38 of the Act requires regular reviews be undertaken of senior staff of the local government. Regulation 18D requires Council to consider each review carried out under Section 5.38 and to accept the review, with or without modification, or to reject the review.

FINANCIAL AND RESOURCE IMPLICATIONS:

Provision has been made within the budget to accommodate a variation to the CEO package.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

As required by legislation, Council is required to conduct an annual performance review of the CEO. Completion of the review ensures compliance with the statutory requirement.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

There were no alternative options considered.

COUNCIL DECISION**MOVED CR TANTI, SECONDED CR FIORENZA**

That Council by Simple Majority pursuant to Section 5.38 of the Local Government Act **RESOLVES** to:

1. **ENDORSE** and give effect to the recommendations of the CEO Performance Review Committee of the 18 August 2015.

CARRIED 13/0

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

CCS132 COUNCIL POLICY CP011 INVESTMENT POLICY
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AGENDA REFERENCE:	D-15-49646
AUTHOR:	P Radalj, Manager Finance & Treasury
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	28 August 2015
FILE REFERENCE:	GO/14/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x3)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's adoption of CP011 Investment Policy.

EXECUTIVE RECOMMENDATION;

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

1. ENDORSE Council Policy CP011 Investment Policy.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Council Policy CP 011 Investment Policy is overdue for review. It has been updated to reflect current investment portfolio and investment frameworks.

The changes in the policy are the result of the current credit rating of banking institutions in Australia and the City's investment capacity and exposure.

- The highest long term credit rating (Standard & Poor's) available in Australia currently is AA- which limits the City investment options under the existing policy to only the 4 major banks.
- The City does not invest in "Managed Funds".
- An increase in percentages related to the amount invested in any one institution allows the City to source the most competitive investment rates available at time of investing while still minimising any potential risk exposure.
- The "Term to Maturity Framework" has been removed from the policy as the City's does have a level of liquidity (short to medium term) or available funds to invest for periods that would exceed one year.

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

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14
- The Trustees Act 1962 – Part III Investments
- Local Government (Financial Management) Regulations 1996 – Regulation 19, 28 and 49
- Australian Accounting Standards Board (AASB)

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

Risk Management Guidelines have been incorporated to minimise risks associated with entity exposure and credit rating.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

No alternative options were considered.

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

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

1. **ENDORSE Council Policy CP011 Investment Policy.**

CARRIED 13/0

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

CCS133 STATEMENT OF FINANCIAL ACTIVITY TO 31 AUGUST 2015

AGENDA REFERENCE:	D-15-53625
AUTHOR:	M Jones, Financial Business Planner
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	07 September 2015
FILE REFERENCE:	FM/17/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

EXECUTIVE SUMMARY:

The attached financial reports provide a comprehensive report on the City's finances to 31 August 2015. The statements include no matters of variance considered to be of concern.

EXECUTIVE RECOMMENDATION;

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

1. RECEIVE the August 2015 monthly financial activity statements as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

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

Operating Income	\$445,722	0.9%	Negative Variance
Operating Expenditure	\$764,978	6.3%	Positive Variance
Net Operating	\$319,256		
Capital Expenditure	\$865,887	8.0%	Positive Variance
Capital Revenue	\$469,494	63.4%	Positive Variance
Cash at Bank – Municipal	\$27,193,861		
Cash at Bank – Reserve	\$266,241		
Total Funds Invested	\$27,928,106		
Net Rates Collected	59.64%		
Receivables Outstanding	\$1,654,235		

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the adopted budget.

The financial position represented in the August financials shows a positive variance of \$319,256 in the net operating result.

The closing funding surplus is due to year to date expenditure being less than YTD budget, as a result of timing of works for buildings, roads, plant & equipment

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that as a minimum Council is to receive a Statement of Financial Activity.

FINANCIAL AND RESOURCE IMPLICATIONS:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options to consider.

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

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

1. **RECEIVE** the August 2015 monthly financial activity statements as attached.

CARRIED 13/0

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

13 REPORTS OF COMMUNITY SERVICES
Nil.

14 REPORTS OF OFFICE OF THE CEO
Nil.

15 REPORTS OF DEVELOPMENT AND REGULATORY SERVICES

DRS227 ACQUISITION OF FEDERATION PARK – LOTS 221-223 THIRD STREET AND LOTS 253-255 FOURTH STREET, WONTHELLA

AGENDA REFERENCE:	D-15-51576
AUTHOR:	B Robartson, Manager Economic, Land & Property
EXECUTIVE:	P Melling, Director Development and Regulatory Services
DATE OF REPORT:	27 August 2015
FILE REFERENCE:	R29846
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

This report seeks Council approval to acquire Lots 221, 222 and 223 Third Street and Lots 253, 254 and 255 Fourth Street, Wonthella for the purposes of retention as public open space (POS).

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 3.59 of the Local Government Act 1995 RESOLVES to:

1. ACQUIRE Lots 221, 222 and 223 Third Street, Wonthella and Lots 253, 254 and 255 Fourth Street, Wonthella known as Federation Park; and
2. MAKES the determination subject to the following condition:
 - a. The consideration for the acquisition is \$841,000 plus GST.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Federation Park is POS that is located within the suburb of Wonthella spanning between Third and Fourth Streets Wonthella. It comprises six individual rectangular lots each having a total area of 1,012m² and providing a total parent site of 6,072m². The lots are 221, 222 and 223 Third Street and 253, 254 and 255 Fourth Street, Wonthella.

The land is owned by the Roman Catholic Church, Geraldton and leased by the City of Greater Geraldton on a peppercorn basis for the purpose of public recreation. The owner has recently approached the City about the City's intent to acquire the land as the owner is now in need of the proceeds of any disposal to go towards current significant building project.

The Wonthella residential area consists of only Federation Park as local open space and regional open spaces with significant areas of active recreation. The locality technically exceeds its 10% requirement to that of 12.28%.

The City's Public Open Space Strategy adopted by Council and subsequently endorsed by the Western Australian Planning Commission on the 24 March 2015 identified that the disposal of the determined residual POS within the locality be actioned and the direct proceeds go towards the acquisition of Federation Park.

The established trust fund applicable for such an acquisition has sufficient funds to meet this requirement.

Federation Park is show in red below.



ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no direct economic impacts relating to this proposal aside from the maintaining vitality of the local community.

Social:

Sustainably maintaining public open spaces and recreational areas.

Environmental:

There are no environmental impacts relating to this proposal.

Cultural & Heritage:

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

RELEVANT PRECEDENTS:

The City has acted on established Department of Lands Policy guidelines for utilising Crown Reserve 20A disposal funds to acquire land for POS and development.

COMMUNITY/COUNCILLOR CONSULTATION:

The Wonthella Progress Association is aware of the City's intent to acquire Federation Park under the current arrangements and to maintain it as local public open space. The park was originally a community initiative and received Centenary of Federation funding for some of the parks development.

The exemption provided under the Local Government (Functions & General) Regulation 8, provides exemption on the requirement to advertise the proposed acquisition.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.59 of the Local Government Act 1995 – Commercial enterprises by local governments

(1) *In this section —*

acquire has a meaning that accords with the meaning of **dispose**;

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

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

Regulation 8 of the Local Government (Functions & General) Regulations 1996 Exempt land transactions prescribed (Act s.3.59)

(1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*

- (a) *without intending to produce profit to itself; and*
- (b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*

Regulation 8A (1) (b) – Amount prescribed for major land transactions; exempt land transactions prescribed (s.3.59 LGA)

(b) if the land transaction is entered into by the local government, the amount is the lesser of the prescribed amount (\$2M)

Section 6.8 of the Local Government Act 1995 – Expenditure from Municipal fund not included in annual budget –

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -*
 - (b) *is authorised in advance by resolution by Absolute Majority.*

FINANCIAL AND RESOURCE IMPLICATIONS:

The City has an established 20A trust fund with deposited funds from disposal of properties earmarked for the Federation Park acquisition. The agreed purchase price with the Bishop of the Roman Catholic Church, Geraldton is \$841,000 plus GST.

As background the City undertook a valuation on the properties in 2013 which assessed the valuation at \$1.2 million for all 6 lots (or \$200,000 per lot). The current offer of \$841,000 made by the City equates to approximately \$141,000 per lot and was seen by both parties as a positive community outcome to retain the park and reflects a more recent market assessment.

INTEGRATED PLANNING LINKS:

Title: Environment	A sustainable built form and natural environment
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Social	A strong healthy community which is equitable, connected and cohesive
Strategy 3.1.2	Encouraging informal recreation though well planned and developed public open spaces, cycle/walk paths and green streetscapes

Regional Outcomes:

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

RISK MANAGEMENT:

If the City was not to proceed with the acquisition of Federation Park the owner would then have the ability to dispose of 6 individual residential lots with an underlying Residential Zoning – ‘Residential R12.5/40/50 that would allow for group housing potential. In the interests of community and its health and wellbeing the Bishop of the Roman Catholic Church considers the proposed disposal method as appropriate.

As a result the City would lose a significant local neighbourhood park.

ALTERNATIVE OPTIONS CONSIDERED:

There have been no further options considered with this proposal.

Cr L Graham Declared an Impartiality Interest in item DRS227 – Acquisition of Federation Park as he is a member of the St Francis Xavier Precinct Committee that may benefit from the sale and left Chambers at 2.21pm

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

That Council by Absolute Majority pursuant to Section 3.59 of the Local Government Act 1995 RESOLVES to:

1. **ACQUIRE** Lots 221, 222 and 223 Third Street, Wonthella and Lots 253, 254 and 255 Fourth Street, Wonthella known as Federation Park; and
2. **MAKES** the determination subject to the following condition:
 - a. The consideration for the acquisition is \$841,000 plus GST.

CARRIED BY ABSOLUTE MAJORITY 12/0

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

Cr Graham returned to Chambers at 2.27pm.

DRS228 2016 EXTENDED RETAIL TRADING HOURS PACKAGE

AGENDA REFERENCE:	D-15-53845
AUTHOR:	HJ Davis, Economic Development Officer
EXECUTIVE:	P Melling, Director of Regulatory Services
DATE OF REPORT:	7 September 2015
FILE REFERENCE:	ED/3/0003-02
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's approval of the application for extension of retail trading hours for 2016.

EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to the Retail Trading Hours Act 1987 RESOLVES to:

1. ADOPT the following package of extensions to the City of Greater Geraldton during the full year of 2016:
 - a. Easter Monday, 28 March 2016 – 10.00am to 5.00pm;
 - b. Sunday, 11 December 2016 – 10.00am to 3.00pm;
 - c. Saturday, 17 December 2016 – 5:00pm to 6:00pm;
 - d. Sunday, 18 December 2016 – 10.00am to 3.00pm;
 - e. Wednesday, 21 December 2016 – 6.00pm to 8.00pm;
 - f. Thursday, 22 December 2016 – 6.00pm to 9.00pm;
 - g. Friday, 23 December 2016 – 6.00pm to 9.00pm; and
2. SEEK approval from the Minister for Commerce to adopt the package of extensions to retail trading hours in point 1. above.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Following consultation by City staff with the Mid West Chamber of Commerce and Industry (MWCCI), Department of Commerce (DOC) and key retailers, it was agreed by the above stakeholders that the City put one agenda item to Council regarding trading hours for the full year, instead of going through the procedure separately for different holidays.

By the City's invite, Northgate Shopping Centre, Spotlight Geraldton and PetBarn Geraldton, wrote to the City (refer to Attachment No.DRS228A) suggesting the following extensions be adopted:

Public Holidays

Australia Day,	Tuesday, 26 January 2016	9am – 5pm
Easter Sunday,	Sunday, 27 March 2016	9am – 5pm
Easter Monday,	Monday, 28 March 2016	9am – 5pm
Anzac Day	Monday, 25 April 2016	12pm – 6pm
Foundation Day,	Monday, 6 June 2016	10am – 5pm
Queen’s Birthday,	Monday, 28 September 2016	9am – 5pm
New Year’s Day,	Sunday, 1 January 2017	9am – 5pm

Christmas and New Year Season

Sunday, 4 December 2016	10am – 5pm
Sunday, 11 December 2016	10am – 5pm
Saturday, 17 December 2016	8am – 6pm
Sunday, 18 December 2016	8am – 6pm
Monday 19 December 2016	8am – 8pm
Tuesday, 20 December 2016	8am – 8pm
Wednesday, 21 December 2016	8am – 8pm
Thursday, 22 December 2016	8am – 8pm
Friday, 23 December 2016	8am – 9pm
Monday, 26 December 2016 (Boxing Day)	9am – 5pm
Tuesday, 27 December 2016 (Day after Boxing Day)	10am – 5pm
Sunday, 1 January 2017	9am – 5pm
Monday, 2 January 2017	10am – 5pm

Sunday Extended Trading Hours

Sunday, 6 March 2016	10am – 5pm
Sunday, 27 March 2016	10am – 5pm
Sunday, 24 April 2016	10am – 5pm
Sunday, 5 June 2016	10am – 5pm
Sunday, 25 September 2016	10am – 5pm

Key Sales Events

Wednesday, 9 March 2016	Extended to 8pm
Thursday, 10 March 2016	Extended to 8pm
Monday, 30 May 2016	Extended to 8pm
Tuesday, 31 May 2016	Extended to 8pm
Monday, 15 August 2016	Extended to 8pm
Tuesday 16 August 2016	Extended to 8pm
Monday, 14 November 2016	Extended to 8pm
Tuesday, 15 November 2016	Extended to 8pm

Feedback was sought from the MWCCI, on the above proposed retail trading extensions.

The MWCCI advised the City (refer attached letter – Attachment No. DRS228B), the only hours retail extension supported are the following extensions for the Christmas period to be adopted:

- a. Sunday, 11 December 2016 – 10.00am to 3.00pm;
- b. Saturday, 17 December 2016 – 8.00am to 6.00pm;
- c. Sunday, 18 December 2016 – 10.00am to 3pm;
- d. Wednesday, 21 December 2016 – 6.00pm to 8.00pm; and
- e. Thursday, 22 December 2016 – 6.00pm to 9.00pm.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Opening retail outlets for the additional hours may have the following economic impacts:

1. There may be increased opportunity for income within the retail outlets that wish to open the additional hours; and
2. Opening the additional hours will allow residents from towns in the surrounding region increased opportunity to spend within the City of Greater Geraldton retail sector and contribute to the City of Greater Geraldton economic pool.

Retail outlets that believe opening the additional hours will not be economically viable are invited to exercise their individual discretion as to whether they choose to trade these additional hours.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

A precedent was set in 2009, by Council adopting a package of trading hours that was a compromise between recommendations from the DOC, MWCCI, Federation Stirlings Central, Northgate Shopping Centre and Spotlight Centre.

This practice has continued in subsequent years.

2009 adopted package for the full year:

Sunday, 13 Dec 2009	10.00am	5.00pm
Sunday, 20 Dec 2009	10.00am	5.00pm
Wednesday, 23 Dec 2009	8.00am	9.00pm
Thursday, 24 Dec 2009	8.00am	6.00pm
Sunday, 27 Dec 2009	10.00am	5.00pm*
Tuesday, 29 Dec 2009	8.00am	9.00pm*
Wednesday, 30 Dec 2009	8.00am	9.00pm*
Thursday, 31 Dec 2009	8.00am	6.00pm*
Sunday, 3 Jan 2010	10.00am	5.00pm*

* These dates were later adopted with the knowledge that the Clipper 09/10 yacht race would be stopped in Geraldton during this period.

2010 adopted package for the full year:

Sunday, 12 Dec 2010	10.00am	5.00pm
Sunday, 19 Dec 2010	10.00am	5.00pm
Monday, 20 Dec 2010	8.00am	9.00pm
Tuesday, 21 Dec 2010	8.00am	9.00pm
Wednesday, 22 Dec 2010	8.00am	9.00pm
Friday, 24 Dec 2010	8.00am	6.00pm
Tuesday, 28 Dec 2010 (public holiday)	8.00am	5.00pm

2011 adopted package for the full year:

Tuesday, 26 April 2011	9.00am	5.00pm
Sunday, 11 December 2011	10.00am	4.00pm
Sunday, 18 December 2011	10.00am	4.00pm
Friday, 23 December 2011	8.00am	9.00pm
Tuesday, 27 December 2011 (Boxing Day, Public Holiday)	8.00am	5.00pm

2012 adopted package for the full year:

Sunday, 16 December 2012	10.00am	4.00pm
Friday, 21 December 2012	8.00am	9.00pm
Sunday, 23 December 2012	10.00am	4.00pm

2013 adopted package for the full year:

Monday, 28 January 2013 (Australia Day)	9.00am	5.00pm
Monday, 1 April 2013 (Easter Monday)	10.00am	4.00pm
Sunday, 15 December 2013	10.00am	4.00pm
Sunday, 22 December 2013	10.00am	4.00pm
Monday, 23 December 2013	8.00am	9.00pm

2014 adopted package for the full year:

Sunday, 14 December 2014	10.00am	4.00pm
Friday, 19 December 2014	10.00am	4.00pm
Sunday, 21 December 2014	10.00am	4.00pm
Monday, 22 December 2014	8.00am	9.00pm
Tuesday, 23 December 2014	8.00am	9.00pm

2015 adopted package for the full year:

Easter Monday, 6 April 2015	10.00am	5.00pm
Anzac Monday, 27 April 2015	10.00am	5.00pm
Sunday, 13 December 2015	10.00am	4.00pm
Sunday, 20 December 2015	10.00am	4.00pm
Monday, 21 December 2015	6.00pm	9.00pm
Tuesday, 22 December 2015	6.00pm	9.00pm
Wednesday, 23 December 2015	6.00pm	9.00pm

COMMUNITY/COUNCILLOR CONSULTATION:

Upon receipt of the application letters from Northgate Shopping Centre, Spotlight and PetBarn Geraldton, the MWCCI were invited to provide comment on the proposals submitted. The MWCCI have responded by convening a survey with members and as a result have submitted their response (See Attachment B) for consideration.

LEGISLATIVE/POLICY IMPLICATIONS:

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

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

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

REGIONAL OUTCOMES:

Opening the additional hours will allow residents from towns in the surrounding region increased opportunity to spend within the City of Greater Geraldton retail sector and contribute to the Midwest economy, noting that the State Government is under pressure to allow further relaxations for retail trading in the metro area. This does impact on regional communities where trading is more restricted.

RISK MANAGEMENT:

It is considered that there is no risk applicable to this item.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

The package suggested by the MWCCI offers relatively little option for traders to exercise their discretion to trade additional hours during 2016. In addition, the package recommended by the Northgate, Spotlight and PetBarn Geraldton may put additional pressure to the local/small retailers and their employees to work extra hours during public holidays and festive seasons.

For the above reasons, options to adopt packages as submitted by the retailers are not supported.

Based on precedents since 2009, especially in 2015, the executive recommendation is an adaptation of the packages recommended by the MWCCI and the retailers and also takes into consideration that all retailers are able to exercise their individual discretion regarding whether or not to trade during the approved hours.

COUNCIL DECISION

MOVED CR CRITCH, SECONDED CR BRICK

That Council by Simple Majority pursuant to the Retail Trading Hours Act 1987 RESOLVES to:

- 1. ADOPT the following package of extensions to the City of Greater Geraldton during the full year of 2016:**
 - a. Easter Monday, 28 March 2016 – 10.00am to 5.00pm;**
 - b. Sunday, 11 December 2016 – 10.00am to 3.00pm;**
 - c. Saturday, 17 December 2016 – 5:00pm to 6:00pm;**
 - d. Sunday, 18 December 2016 – 10.00am to 3.00pm;**
 - e. Wednesday, 21 December 2016 – 6.00pm to 8.00pm;**
 - f. Thursday, 22 December 2016 – 6.00pm to 9.00pm;**
 - g. Friday, 23 December 2016 – 6.00pm to 9.00pm; and**
- 2. SEEK approval from the Minister for Commerce to adopt the package of extensions to retail trading hours in point 1. Above**

CARRIED 13/0

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

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

AGENDA REFERENCE:	D-15-54000
AUTHOR:	K Diehm, Chief Executive Officer
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	1 September 2015
FILE REFERENCE:	GO/6/0012-04
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

EXECUTIVE SUMMARY:

To receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:PART A

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Community Services:
 - i. CS222 - Heritage Advisory Committee Meeting Minutes – 14 August 2015;
 - b. Reports – Development & Regulatory Services:
 - i. DRS229 – Community Safety Crime Prevention Committee Meeting Minutes – 14 August 2015;
 - ii. DRS230 – Batavia Local Emergency Management Committee Meeting Minutes – 20 August 2015; and
 - iii. DRSD102 – Delegated Determinations and Subdivision Applications.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services;
 - i. CCS134 - Confidential Report – List of Accounts Paid Under Delegation August 2015.

PROponent:

The proponent is the City of Greater Geraldton

BACKGROUND:

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

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including

Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY/COUNCILLOR CONSULTATION:

Not applicable.

LEGISLATIVE/POLICY IMPLICATIONS:

Not applicable.

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

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

PART A

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Community Services:
 - i. CS222 - Heritage Advisory Committee Meeting Minutes – 14 August 2015;
 - b. Reports – Development & Regulatory Services:
 - i. DRS229 – Community Safety Crime Prevention Committee Meeting Minutes – 14 August 2015;
 - ii. DRS230 – Batavia Local Emergency Management Committee Meeting Minutes – 20 August 2015; and
 - iii. DRSD102 – Delegated Determinations and Subdivision Applications.

PART B

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

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services;
 - i. CCS134 - Confidential Report – List of Accounts Paid Under Delegation August 2015.

CARRIED 13/0

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

17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

CS223	MULLEWA MOBILE COVERAGE
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AGENDA REFERENCE:	D-15-56492
AUTHOR:	Cr T Thomas & Cr J Critch
EXECUTIVE:	A Selvey, Director of Community Services
DATE OF REPORT:	22 September 2015
FILE REFERENCE:	Go/6/0008
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

COUNCILLOR COMMENT:

The Mullewa area currently experiences significant issues with capability and capacity of mobile coverage. Over the past months the situation has worsened to the extent that often between the hours of 3pm and 9pm there is often no mobile or internet coverage at all. This puts the Mullewa community at a social and economic disadvantage.

The Federal Government Department of Communications Mobile Black Spot Program offered \$100 million through Round 1 of the Program to invest in telecommunications infrastructure to address mobile black spots in outer metropolitan, regional and remote Australia.

Round 1 of the Program will deliver 499 new and upgraded mobile base stations across regional and remote Australia – 429 Telstra base stations and 70 Vodafone base stations. The locations to benefit under Round 1 of the Program were announced on 25 June 2015. Under Round 1, the Shire of Chapman Valley was successful in securing 4 new Mobile Towers for the area; Morawa region secured 2 new towers; Perenjori region received four new towers. No submission was made for improving capacity and capability in Mullewa.

Round 2 is now open for new submissions and this Notice of Motion is seeking Council commitment for a submission to be made that includes a commitment of cash and in-kind support. Under Round 2, a further \$60 million has been committed by the Government for Round 2 of the Program, with funding to be available over two years from 1 July 2016. Round 2 of the Program is expected to operate under similar guidelines as the first round of the Program and will offer further opportunities to meet unmet demand and provide coverage to more locations around regional and remote Australia.

The competitive selection process for the second round of funding is expected to commence in 2016, after allowing time for further locations to be nominated by members of the public. The locations to be funded under Round 2 are expected to be announced by the end of 2016.

EXECUTIVE COMMENT:

The City has been made aware of the issues surrounding capacity and capability of mobile coverage in the Mullewa area. To progress the matter, the Mayor, CEO and Mullewa Ward Councillors have met with the Telstra Area General Manager; Shane Love MLA and recently with the Mid West Development Commission with the aim of flagging the criticality of this issue with relevant stakeholders.

The City has been advised to gather quantifiable data that supports the anecdotal evidence and therefore a survey has been developed and is currently live. This survey seeks to gather data on the issue to strengthen any future submission or request <https://www.surveymonkey.com/r/mobilephoneblackspot>. As part of this survey which is being widely distributed in the Mullewa area, members of the public are also being encouraged to make their own submissions.

At a recent meeting with the MWDC, the MWDC advised that submissions for Round 2 should be forwarded to them for review. They have also offered to provide advice and support in developing a submission. The MWDC has suggested that a submission would be strengthened by a show of commitment by the Local Government via a cash contribution – even a relatively small contribution of \$20,000 (noting that each tower is estimated to cost \$800,000+). Additional support that could strengthen a submission would include access to farm land at no cost and in-kind access to equipment and construction materials (e.g. gravel). Councillors Thomas and Critch are working with the farming community to secure approval for land for towers at no cost.

A further meeting with Alan Shepherdson, Acting Area General Manager - WA North, TCW Central West Region, Telstra Consumer & Country Wide was held on Thursday 17 September. At this meeting, Mr Shepherdson clarified the distinction between coverage (Mobile Black Spots) and the congestion and capacity of existing coverage. Mr Shepherdson provided an update on the current status of infrastructure upgrades; advised on the process Telstra technicians take in siting of towers; and reinforced the value of the support of Local Government and local landowners in strengthening any submission for Round Two of Mobile Blackspot Programme funding.

In relation to issues of congestion and improving capacity, Mr Shepherdson offered advice on the upgrade of equipment required by residents to take advantage of new 4G network. Mr Shepherdson also offered to provide a briefing on pertinent matters to stakeholders and to attend a community information session. He will liaise with the City to make the necessary arrangements in the near future.

The City has been in contact with the Shire of Chapman Valley to gain insights on the submission process in the light of their successful submission. Contact will also be made with Morawa and Perenjori.

COUNCILLOR MOTION:

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

1. PROGRESS a submission to the Department of Communications Mobile Black Spot Programme, Round 2 for an upgrade to mobile coverage in the Mullewa area;
2. COMMIT a maximum of \$20,000 to support the submission as part of the mid year Budget review;
3. COMMIT to providing further support by way of access to earthmoving equipment for the installation of new towers;
4. MAKES the determination on the following grounds:
 - a. Recognition that the current level of mobile service is inadequate and puts the Mullewa community at a social and economic disadvantage.

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

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

1. PROGRESS a submission to the Department of Communications Mobile Black Spot Programme, Round 2 for an upgrade to mobile coverage in the Mullewa area;
2. COMMIT a maximum of \$20,000 to support the submission as part of the mid year Budget review;
3. COMMIT to providing further support by way of access to earthmoving equipment for the installation of new towers;
4. MAKES the determination on the following grounds:
 - a. Recognition that the current level of mobile service is inadequate and puts the Mullewa community at a social and economic disadvantage.

CARRIED BY ABSOLUTE MAJORITY 13/0

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

18 ACKNOWLEDGEMENTS

Mayor Ian Carpenter acknowledged that this was Cr Des Brick's last council meeting, as he is not renominating for Chapman Ward in the upcoming elections. Cr Brick has been a Councillor with the [then] City of Geraldton-Greenough 2009-11 and City of Greater Geraldton 2011-15. The Mayor thanked him for his role on Council and the great job he has undertaken and for his passion, especially in the environmental area.

On behalf of Council, the Mayor wished Cr Brick all the best in his future endeavours.

Cr Brick thanked the Mayor for his kind words and thanked his fellow Councillors, CEO and staff at the City of Greater Geraldton for their support during his term as Councillor. He said that he has had an enjoyable six years and spoke of his passions while serving on council. He wished his fellow councillors all the best in the upcoming elections.

The Mayor also wished those councillors who have renominated all the best in the upcoming elections and congratulated Cr Neil McIlwaine and Cr Tarleah Thomas on retaining their seats as councillors in their respective wards, as they were elected unopposed.

Mayor Ian Carpenter also acknowledged and thanked Neil Arbuthnot, Executive Director of Major Projects for his services to Council as this was also his last meeting with the City of Greater Geraldton. Mr Arbuthnot joined the City 4.5 years ago as Director of Infrastructure Services and subsequently became Executive Director of Major projects. The Mayor wished him all the best for the future.

Neil Arbuthnot thanked the Mayor for his kind words and also thanked the, Councillors, CEO staff at the City of Greater Geraldton for their support during his time with the City.

Ken Diehm also thanked Mr Arbuthnot for his valuable contribution during his term as Director, and wished him and his partner Annie all the best for the future.

19 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

20 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING

Nil.

21 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 2.57pm.

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

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