



ORDINARY MEETING OF COUNCIL
MINUTES

23 APRIL 2019

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 23 APRIL 2019 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

DISCLAIMER:

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Meeting Procedures 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 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamatji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Yamatji people.

3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:

Mayor S Van Styn
Cr N McIlwaine
Cr D J Caudwell
Cr J Clune
Cr N Colliver
Cr J Critch
Cr S Douglas
Cr S Elphick
Cr L Freer
Cr S Keemink
Cr M Reymond
Cr T Thomas
Cr V Tanti

Officers:

R McKim, Chief Executive Officer
B Robartson, A/Director of Development & Community Services
P Radalj, A/Director of Corporate and Commercial Services
C Lee, Director of Infrastructure Services
E Enright, Personal Assistant to Director, Infrastructure Services
L Pegler, Executive Support Secretary
P Kingdon, Coordinator Communications, Economic Development
R Lam, University Engineer, Engineering Services

Others:

Members of Public: 8
Members of Press: 2

Apologies:

Cr R D Hall*
B Davis, Director of Corporate and Commercial Services
P Melling, Director of Development and Community Services

Leave of Absence:

Cr G Bylund
Cr R D Hall*

4 DISCLOSURE OF INTERESTS

Cr M Reymond declared a Proximity interest in Item DCS408 Proposed Dedication of Land as Road Reserve – Cairncross Street, Beresford as he has a property in close proximity of the area being discussed.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Prior to the conclusion of public question time, held on 26 March 2019, Mr Max Correy continued by asking the Mayor if he knew that you can't poison corellas with grain – if the City understands that / knows that – and he was surprised that the Mayor, Mr Melling and all the Rangers etc. did not know that.

The Mayor challenged that perception and therefore the following information has been sourced from:

Department of Biodiversity, Conservation & Attractions info sheet:

<https://www.dpaw.wa.gov.au/images/documents/plants-animals/animals/living-with-wildlife/cockatoos.pdf>

“Corellas and other flocking cockatoos opportunistically search for food resources, feeding on grass seeds and bulbs in paddocks and other grass areas in the spring, wheat stubble remaining after harvest in the summer, and grain from stock feed troughs, animal dung and hay bales in the late summer and autumn.

A South Australian research papers on the Little Corella (same species):

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=2ahUKEwih8YDSntbhAhWUF3IKHf-4AI8QFjABegQIARAC&url=http%3A%2F%2Fwww.environment.sa.gov.au%2Ffiles%2F8f4e3eca-65fc-4ec6-b84d-9fad00b4dc5a%2Fpa-report-TembyFleurieuCorellaReport.pdf&usq=AOvVaw3rUCHVrR-f4jWED1aJ9m7l>

“3.3 Diet of the Little Corella

There is little doubt that clearing, the provision of water and the extension of grain crops have benefited the Little Corella. The diet of most cockatoos is based on plant foods including a wide range of seeds, fruits, flowers, nuts, bulbs and corms, including the corms of the introduced Onion Grass Romulea spp, a prolific and widespread annual (Temby & Emison 1986, Higgins 1999). Cockatoos have learned that many commercial crops provide a good food source and cereal grains, sunflowers, apples (taken for their seeds), nuts and the seeds of pine trees are some of these. Most corella feeding activity involves foraging on the ground where much digging for bulbs takes place. Ploughed ground attracts corellas which feed on exposed bulbs and later on germinating cereal (wheat, oats, barley) seeds. Cereal crops may also be used as a food source when the grains are at the “milky” stage before ripening, and stubbles left after the crops are harvested attract large flocks of corellas seeking remnant grain. Little Corellas have also been observed feeding on dried grapes in vineyards on the Fleurieu Peninsula.”

A local Environmental Expert provided the following information on 6 birds sampled.

“Crop content of 6 birds was mainly wheat grain - 99% with some wild turnip Brassica seeds. CBH bins on Deepdale road looks clean and no birds at dawn, but employee suggest that cockies visit in the afternoon.... same as the ones at Utakarra cemetery.....”

This information will be sent to Mr Correy.

6 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.

There were no questions from the public.

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

Councillor	From	To (inclusive)	Date Approved
Cr G Bylund	18 April 2019	11 May 2019	26/02/2019
Cr S Douglas	27 April 2019	26 May 2019	18/12/2018
Cr S Douglas	24 June 2019	28 June 2019	26/03/2019
Cr L Freer	2 July 2019	31 July 2019	26/03/2019
Cr G Bylund	25 July 2019	5 August 2019	26/02/2019

**Note: If Elected Members' application for leave of absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reasons for that refusal, will be recorded in the minutes of the meeting.*

If an Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the Minutes.

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

Cr RD Hall requests for leave of absence for the period 23 April to 29 April 2019 be approved.

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

8 PETITIONS, DEPUTATIONS

Nil.

9 CONFIRMATION OF MINUTES

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 March 2019, as previously circulated, be adopted as a true and correct record of proceedings.

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

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 March 2019, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

10 ANNOUNCEMENTS BY THE CHAIR AND PRESENTATIONS*Events attended by the Mayor or his representative*

DATE	FUNCTION	REPRESENTATIVE
27 March 2019	Australian Defence Satellite Communications Station Solar Power Facility - Official Opening	Cr Steve Douglas
27 March 2019	Meeting with Western Power – Mullewa Power Supply Repeated Failures	Mayor Shane Van Styn
27 March 2019	Hon Bill Johnston MLA, Minister for Mines and Petroleum; Energy; Industrial Relations, Member for Cannington - Mullewa Power Supply – Repeated Failures	Mayor Shane Van Styn
27 March 2019	Runway Grant Funding Project – Media Release Photo	Mayor Shane Van Styn
28 March 2019	Spirit Radio Interview - Outcomes of Council Meeting	Mayor Shane Van Styn
28 March 2019	Meeting with WA State Director, Australian Government – Treasurer & Economist – Discuss the Economic Climate and Concerns	Mayor Shane Van Styn
29 March 2019	Central Regional TAFE - Geraldton Graduation & Awards Evening	Cr Robert Hall
30 March 2019	Yalgoo Great Northern Football League Carnival	Mayor Shane Van Styn
31 March 2019	Radio Mama – Radio Interview	Mayor Shane Van Styn
1 April 2019	Regular Catch up – Mayor & CEO	Mayor Shane Van Styn
1 April 2019	Regular Catch up – Marketing & Media	Mayor Shane Van Styn
1 April 2019	Community, Respect and Equality - Launch of the Business and Organisation Agreement to Prevent Family Violence	Mayor Shane Van Styn
1 April 2019	Citizenship Ceremony	Mayor Shane Van Styn
1 April 2019	WoW Fest Fireworks Sponsorship Photo for Media Release with Red Dust Holdings	Mayor Shane Van Styn
2 April 2019	ABC Radio Interview – Sunshine Coast City Deals	Mayor Shane Van Styn
2 April 2019	Concept Forum	Mayor Shane Van Styn
3 April 2019	ABC Radio Interview – Budget Wrap Up	Mayor Shane Van Styn
5 April 2019	Geraldton Regional Art Gallery (GRAG) - Louise Paramor: Divine Assembly Exhibition Opening	Cr Steve Douglas
6 April 2019	Fools Festival – Official Opening	Mayor Shane Van Styn
8 April 2019	Regular Catch up – Mayor & CEO	
8 April 2019	Regular Catch up – Marketing & Media	
8 April 2019	Gary Mounsey for Durack, West Australian Party - Introduction	Mayor Shane Van Styn
9 April 2019	Suggestions for Dealing with Issues in the Local Aboriginal Community	Mayor Shane Van Styn

9 April 2019	Anzac Day – Review of Services	Mayor Shane Van Styn
9 April 2019	Community Disability Survey Presentation of Voucher and Media Release Photo	Mayor Shane Van Styn
9 April 2019	ABC Drive Radio Interview – Recycling	Mayor Shane Van Styn
11 April 2019	Regional Capitals Alliance Western Australia (RCAWA) - Perth	Mayor Shane Van Styn
11 April 2019	Australian Tourism Exchange (ATE) Conference Walk Through - Perth	Mayor Shane Van Styn
12 April 2019	Radio ECU Phone Interview – Chinese Tourism in and around Geraldton	Mayor Shane Van Styn
12 - 15 April 2019	Batavia Longboat and Balayi-Open Your Eyes! Houtman 400 Festival Promotion – Swan River, Perth	Mayor Shane Van Styn
15 April 2019	WoW Fest Kite Making Workshops & Filming	Cr's Natasha Colliver, Michael Reymond and Steve Douglas
15 April 2019	Photography Exhibition - Through the Dragon's Eyes	Cr Michael Reymond
16 April 2019	Agenda Forum	Mayor Shane Van Styn
17 April 2019	Meet New Vice Chancellor of CQUniversity – Geraldton Universities Centre	Mayor Shane Van Styn
17 April 2019	WoW Fest Sponsorship Photo for Media Release with Maicon	Deputy Mayor Neil McIlwaine
17 April 2019	Regular Meeting with Local Member - Hon Laurie Graham MLC, Member for the Agricultural Region and City of Greater Geraldton	Mayor Shane Van Styn
20 April 2019	WoW Fest Sponsorship Photo for Media Release with Mid West Ports with Snails Celeste & Galileo	Mayor Shane Van Styn
20 April 2019	Art Exhibition for Waggrakine School Students	Mayor Shane Van Styn
20 April 2019	Wow Fest - Official Opening	Mayor Shane Van Styn
20 April 2019	WoW Fest Sponsorship Photo for Media Release - with Northgate Rep & Giant Kites	Mayor Shane Van Styn
20 April 2019	WoW Fest Sunset Entertainment - Light the First Fire Drum	Mayor Shane Van Styn
21 April 2019	WoW Fest Sponsorship Photo for Media Release - with Iluka and Sand Sculptures	Mayor Shane Van Styn
21 April 2019	Blessing and Name of the Bells Ceremony – St Francis Xavier Cathedral	Mayor Shane Van Styn
21 April 2019	WoW Fest – Meet & Greet of Performers	Mayor Shane Van Styn
23 April 2019	Ordinary Meeting of Council	Mayor Shane Van Styn

11 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS407 TESLA CORPORATION – EXTENSION TO LEASE TERM	
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AGENDA REFERENCE:	D-19-022824
AUTHOR:	W Acton, Land and Leasing Officer
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	28 March 2019
FILE REFERENCE:	A8414
ATTACHMENTS:	Yes (x2) A. Email requesting extension with authorisation letter 15 October 2018 B. Email requesting extension and further term 12 March 2019

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to extend registered lease number M005417 by ten (10) years and to vary the lease by including a further term option of ten (10) years.

The City of Greater Geraldton received a request from Tesla Corporation to extend and vary their current lease at the Airport Technology Park.

EXECUTIVE RECOMMENDATION:

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

1. ENTER into a further term land lease agreement with Tesla Corporation;
2. MAKE the determination subject to:
 - a. Advertising notice period of not less than 14 days inviting public submissions;
3. SET the conditions as follows:
 - a. Extend the current registered lease M005417 by ten (10) years from the current termination date, 1 February 2022;
 - b. Vary lease M005417 by including an optional further term clause for ten (10) years;
 - c. Should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent, the City will seek a resolution of Council to determine the consequences of this inaction;
4. ADVISE the lessee they are responsible for paying:
 - a. All legal and survey expenses associated with the preparation, execution and registration of the changes to the lease;
5. DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and
6. REFER the matter back to Council for final consideration if any objecting submissions are received.

PROPONENT:

The proponent is Tesla Corporation Pty Ltd.

BACKGROUND:

On 24 May 2011 Council resolved to:

1. *GIVE local public notice of the intent to lease 13,500m² of land being a portion of Lots 101 and 200 Geraldton Mount Magnet Road, Moonyoonooka to Tesla Corporation for the purpose of a peak generator site;*
2. *MAKE the determination subject to:*
 - a. *advertising notice period of no less than 14 days inviting public submissions;*
 - b. *any works being subject to, and compliant with any necessary town planning, building compliance and other relevant statutory approvals;*
3. *SET the proposed conditions as:*
 - a. *enter into a ten (10) year lease agreement with a further ten (10) year option with Tesla Corporation at a square metre rate of \$6.00 plus GST per annum (which equates to \$81,000 plus GST);*
 - b. *adjust the lease fees annually as at 1 July in line with the preceding March Perth Consumer Price Index;*
 - c. *obtain a current market valuation at the expiration of every three (3) years and adjust the lease fees accordingly;*
 - d. *the lessee being responsible for separately paying all applicable rates, taxes and other utilities;*
 - e. *the lessee provide full liability insurance indemnifying the City against all actions and claims whatsoever which may be brought or made against it;*
 - f. *provide an annual certificate of currency to the City;*
4. *DELEGATE authority to the CEO to grant approval subject to there being no objecting submissions received; and*
5. *REFER the matter back to Council for final consideration if any objecting submissions are received.*

Following the resolution there were further discussions and negotiations with Tesla Corporation, the final lease was modified to include a smaller lease area (hence the reduced lease amount) and the further term option was removed. The current lease expires in 2022. This lease was agreed with the expectation that Tesla Corporation could request a lease extension should they require one in the future.

Tesla Corporation requested a 10 year extension, via an email dated 15 October 2018 and included as Attachment No. DCS407A. At the time the City was working on the creation of new titles for the Airport Technology Park subdivision and as such the request had to wait until these were in place.

The new title has now been created and registered at Landgate.

Tesla Corporation has reconfirmed their wish to extend the lease in an email dated 12 March 2019 that also requested a further term option. The email is

included as Attachment No. DCS407B. All lease conditions, terms and lease fee annual payments will remain under the same terms and conditions of the existing lease.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

Tesla Corporation Pty Ltd is an Australian energy infrastructure company that currently owns and operates a total of four Diesel Power Generation Plants in Western Australia. These Plants house peaking generators that are used to provide extra power at peak times to help prevent power blackouts.

Environment:

There are no adverse environmental impacts relating to this report as the Tesla facility is already established on the land at the Geraldton Airport Technology Park.

Economy:

The established Tesla Corporation Pty Ltd plant provides extra power at peak times to help prevent power blackouts within the surrounding community. Support of this lease extension will provide ongoing benefits to the Geraldton region for the immediate and future developments.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The City currently leases land at the Geraldton Airport Technology Park to individuals and companies. The proponent has a current lease.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 3.58 of the Local Government Act 1995 details the process "disposing" (in this case leasing) of property.

Pursuant to Section 3.58(3)(a) of the Local Government Act, the City must give local public notice of the proposed disposition (lease).

FINANCIAL AND RESOURCE IMPLICATIONS:

The current lease fee is \$29,799.08 per annum (inc. GST). The lease fee is subject to annual CPI increases and a market revaluation every triennium.

INTEGRATED PLANNING LINKS:

Title: Economy	3.1 Growth
Strategy 3.1.1	Promoting Greater Geraldton and its potential business opportunities to facilitate targeted economic development.
Strategy 3.1.2	Fostering a community where local business is supported.
Strategy 3.1.3	Developing and maintaining infrastructure that increases the potential for business and investment.

REGIONAL OUTCOMES:

The location of the peaking generator at this site assists in alleviating power supply difficulties that occur on a sporadic basis in the area.

RISK MANAGEMENT:

There are no identified risk management issues with this report.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

An alternative option would be to not support the request to extend the current lease for a further 10 years with an option of a further 10 years, however this was not supported by City Officers as it would restrict the future of the peaking generator system and the service it provides to the Community.

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

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

1. **ENTER** into a further term land lease agreement with Tesla Corporation;
2. **MAKE** the determination subject to:
 - a. Advertising notice period of not less than 14 days inviting public submissions;
3. **SET** the conditions as follows:
 - a. Extend the current registered lease M005417 by ten (10) years from the current termination date, 1 February 2022;
 - b. Vary lease M005417 by including an optional further term clause for ten (10) years;
 - c. Should the lessee not return the endorsed documents to the City within three (3) months of the date of being sent, the City will seek a resolution of Council to determine the consequences of this inaction;
4. **ADVISE** the lessee they are responsible for paying:
 - a. All legal and survey expenses associated with the preparation, execution and registration of the changes to the lease;
5. **DELEGATE** authority to the CEO to grant approval subject to there being no objecting submissions received; and
6. **REFER** the matter back to Council for final consideration if any objecting submissions are received.

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

DCS408 PROPOSED DEDICATION OF LAND AS ROAD RESERVE – CAIRNCROSS STREET, BERESFORD
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AGENDA REFERENCE:	D-19-022857
AUTHOR:	L MacLeod, Coordinator Land and Property Services
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	3 April 2019
FILE REFERENCE:	A9942
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to formally dedicate a portion of Cairncross Street, Beresford as public road reserve.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 56 of the Land Administration Act 1997, RESOLVES to:

1. REQUEST the Minister for Lands to dedicate Lot 101 on plan 7316 as a public road; and
2. INDEMNIFY the Minister against any claim for compensation.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City has received correspondence from the Department of Planning, Lands and Heritage (DPLH) regarding a proposal they received from a recent deceased estate to the Department to transfer freehold Lot 101 on Plan 7316 back to the Crown.

Before accepting the transfer, the Department is seeking to determine the future tenure of this lot and has requested formal confirmation the City would dedicate that portion of land as public road pursuant to Section 56 of the Land Administration Act 1997.

The Act, pursuant to Section 56 (4) requires the local government upon granting approval for the dedication to indemnify the Minister against any claim for compensation in the form of notification within the Council resolution.

The reasons for the road dedication are obvious in that the land is currently (and has been historically for a number of years) used as a public road and contains essential services and infrastructure. There are no costs incurred to the City as part of the dedication process other than City Officer time.



The land is already described as Lot 101 Cairncross Street on Plan 7316, and therefore no surveying or statutory advertising is required.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts as the dedication safeguards public access and access to individual properties.

Environment:

There are no environmental impacts as the land is currently used as a road and contains essential services and infrastructure.

Economy:

There are no economic impacts.

Governance:

The request for road dedication is necessary as the land is currently (and has been historically for a number of years) used as a public road and contains

essential services and infrastructure. The recommendation before Council is in accordance with the requirements of the Act.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

There are a number of precedents of road dedications formally made by Council under this section of the Land Administration Act. Council at its meeting in October 2018 approved for a number of lots owned by the Roman Catholic Church in Henry Street and George Road to be formally dedicated as public roads. Refer to Item DCS387 - Proposed Dedication of Land as Road Reserves – Henry Street and George Road, Beresford, Council Meeting of 23 October 2018.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 56 of the *Land Administration Act 1997* provides for the dedication of public roads. Where land is acquired for use by the public under the care, control and management of a local government, the local government may request the Minister to dedicate that land as a road.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.3	Providing a fit for purpose, safe and efficient infrastructure network.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

The dedications would formalise the use of the lot as public road and formally protect public utilities (such as power, water, sewer and telecommunications).

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The lot is currently (and has been historically for a number of years) used as a public road and contains essential services and infrastructure.

The option to refuse is not supported as the dedication will essentially formalise the tenure of the land to reflect its historical actual use as a public road.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter.

Cr M Reymond declared a Proximity interest in Item DCS408 Proposed Dedication of Land as Road Reserve – Cairncross Street, Beresford as he has a property in close proximity of the area being discussed and remained in Chambers.

COUNCIL DECISION

MOVED CR CLUNE, SECONDED CR THOMAS

That Council by Simple Majority pursuant to Section 56 of the Land Administration Act 1997, RESOLVES to:

- 1. REQUEST the Minister for Lands to dedicate Lot 101 on plan 7316 as a public road; and**
- 2. INDEMNIFY the Minister against any claim for compensation.**

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

12.2 REPORTS OF CORPORATE AND COMMERCIAL SERVICES**CCS412 ORDINARY COUNCIL ELECTION 2019**

AGENDA REFERENCE:	D-19-021512
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	4 April 2019
FILE REFERENCE:	GO/8/0007
ATTACHMENTS:	Yes (x2)
	A. Estimate for Western Australian Electoral Commission
	B. Service Charter for Local Government Elections – Western Australian Electoral Commission

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's approval to appoint the Western Australian Electoral Commission (WAEC) to carry out the 2019 ordinary elections by postal vote.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 4.20(4) and 4.61(2) of the Local Government Act 1995 RESOLVES to:

1. DECLARE, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required; and
2. DECIDE, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City has received advice that the Local Government ordinary elections are to be held on Saturday 19 October 2019.

Subsequent to the decision by Council on the review of wards and representation, 23 October 2018 (CCS370), the Minister for Local Government, Sport and Cultural Industries on 18 January 2019 approved the recommendation of the Local Government Advisory Board, to abolish the City of Greater Geraldton's current ward structure and to reduce the number of offices of Councillor from fourteen to twelve. The Governor's orders for the discontinuance of the Ward system and reduction of numbers of office of Councillor from fourteen to twelve was gazetted on 9 April 2019.

The vacancies for the 2019 Local Government ordinary elections for the City of Greater Geraldton will therefore be:

- Five (5) vacancies – The office of Councillor; and
- One (1) vacancy – Mayor.

Council is required to decide whether the ordinary election of local government Council members on Saturday 19 October 2019 will be conducted by an In-Person vote method or by a Postal vote method.

As voting is non-compulsory, electors are not required to attend and therefore, historically, response rates on In-Person voting have been low. In previous years ordinary elections have been conducted using the postal voting method as this generates a greater participation rate amongst voters. Should the City choose this method for 2019, in accordance with section 4.20(4) of the Local Government Act 1995, it will appoint the Electoral Commissioner to be responsible for the process.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The Community have previously participated in a postal election for the Ordinary election of Council in 2017 and 2015. Elector participation in 2017 was 33.46% against a state average of 34.50%. There were no adverse impacts for the Community.

Environment:

There are no adverse environmental impacts: ballot papers and election materials are required for an election held by either postal or in person voting methods.

Economy:

There are no adverse economic impacts from the WAEC running a Local Government Election as a postal election. The WAEC is required by *the Local Government Act 1995* to conduct local government elections on a full cost recovery basis and the WAEC make every endeavour to keep future costs to a minimum.

Governance:

The WAEC City of Greater Geraldton Election Report for the Ordinary Election in 2017 reported compliance with *Local Government Act 1995* and *Local Government Election (Regulations) 1997* across all sections of the Act and Regulations including appointment of a Returning Officer, Statutory Advertising, Electoral rolls, Nominations, Issue and Counting of Votes and Declaration of the Poll.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

The 2017 ordinary election was conducted by the Western Australian Electoral Commission as a postal vote method (CCS245, Ordinary Council Elections 2017 – 28 March 2017).

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Local Government Act 1995- Section 4.20(4) and 4.61(2)

FINANCIAL AND RESOURCE IMPLICATIONS:

The WAEC has advised that their estimate to undertake the 2019 postal elections will be approximately \$118,000 Inc. GST. Additional electoral expenditure of \$12,000 will also be set aside to cover any local advertising and promotion, hire costs and some staff costs. This will be budgeted for in the 2019/20 financial year.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.
Strategy 4.5.3	Providing leadership for the community in sustainability issues and local government reform matters.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Should the Western Australian Electoral Commission be appointed, as per the executive recommendation, they will be responsible for the management of the risk of non-compliance with the *Local Government Act 1995* and the *Local Government Act (Elections) Regulations 1997* in relation to:

- The performance of duties by the Returning Officer (WAEC appointed);
- Nomination process;
- Issuing of Electoral rolls;
- Issue and collection of ballot papers;
- Statutory advertising; and
- Reporting to the Minister.

Any residual risk to the City will be mitigated through staff training, online systems, and the support of the Returning Officer, provided through the WAEC. Additional assistance, guidelines and support are also available through the Department of Local Government, Sport and Cultural Initiatives, and the Western Australian Local Government Association.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Previous years' Council decisions to appoint the Western Australian Electoral Commissioner to conduct postal elections have proven effective therefore, there were no alternative options considered by City Officers.

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

That Council by Absolute Majority pursuant to Section 4.20(4) and 4.61(2) of the Local Government Act 1995 RESOLVES to:

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required; and
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

CARRIED 13/0

Time: 5:08 PM

Not Voted: 2

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. Mcllwaine	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

CCS413 RATES 2019/20 NOTICE OF INTENTION

AGENDA REFERENCE:	D-19-023790
AUTHOR:	P Radalj, Manager Finance and Treasury
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	5 April 2019
FILE REFERENCE:	GO/6/0012-06
ATTACHMENTS:	Yes (x1) Statement of Objects and Reasons 2019/20

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council's endorsement to give public notice of its intention to impose proposed differential rates and minimum payments for the 2019/20 financial year that form part of the adopted budget.

This public notice is mandatory under Section 6.36 of the Local Government Act, before imposing any differential general rates or a minimum payment via the Annual Budget.

Such notice is to be published within a period of two (2) months preceding the commencement of the new financial year, inviting public submissions on the proposed rates or minimum payments.

An elector or ratepayer has 21 days from date of public notice to make submissions in respect of the proposed rates and minimum payments and any related matters. Council is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Council may resolve to impose rates or minimum payments different from those published in the local public notices, and if it does so, is obliged to publish the reasons for doing so, as part of its formally adopted budget.

EXECUTIVE RECOMMENDATION:

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

1. ENDORSE the proposed differential rates and minimum payments for the 2019/20 financial year as detailed in Table 2 of this report, for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2019/20 financial year; and
2. INVITE submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under section 6.36 of the Local Government Act 1995.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The following tables detail the current 2018/19 and the proposed 2019/20 differential 'rates-in-the-dollar' (RID) and minimum payments:

Table 1: Current Differential General Rates & Minimum Payments (2018/19)

Differential Rate Types	Rate-in-the-dollar (Cents)	Minimum Payments \$
CGG Residential	14.6334	\$1,010
CGG Non-Residential	12.1117	\$1,010
CGG UV	0.7660	\$1,010

Table 2: Proposed Differential General Rates & Minimum Payments (2019/20)

Differential Rate Types	Rate-in-the-dollar (Cents)	Minimum Payments \$
CGG Residential	14.8529	\$1,010
CGG Non-Residential	12.2934	\$1,010
CGG UV	0.7775	\$1,010

Rates Modelling:

In response to concerns raised by the Community, the Mayor and Councillors, a revised long-term financial planning scenario was developed in 2018/19 that saw a reduction in annual rate increases when compared to previous Long Term Financial Plans. The scenario included that the annual aggregate rate revenue increase would be 2.5% (plus growth) per annum. In continuation of this approach to annually review revenue requirements in relation to smoothing and to avoid revenue-raising shocks to the community, it is proposed to adjust at this time the 'rate-in-the-dollar' of each of the differential rating categories by 1.5%. This proposed adjustment would mean a 1% reduction on the proposed annual increase of 2.5% which is applied in the City's current and adopted Long Term Financial Plan (LTFP). This proposed decrease also factors in a decline in growth in the City's rate base.

It is also proposed to maintain minimum payments at the same level of \$1,010. This figure for minimums has remained unchanged since 2014/15 except for Ex Mullewa District GRV (Gross Rental Value) & UV (Unimproved Value) properties which were increased in 2016-17 to align and amalgamate per Governor's Order with [the then] City of Geraldton-Greenough properties.

This proposed adjustment to GRV RIDs means that property's rateable value as at 1 July 2018 that have not been subject to any revaluation during the 2018/19 financial year will pay in dollar terms 1.5% more in 2019/20 than they did in 2018/19.

UV properties are subject to revaluations annually so they may have a change to their valuation from 1 July 2019. On average there is not normally any significant movement in UV valuations from one financial year to another therefore, it is expected that like GRV properties, UV properties will in dollar terms and on average pay a similar dollar increase based on the 1.5% increase.

When reviewing the City's revenue requirements, the following principles underpin what the City's current forward financial planning is primarily concentrated around achieving and maintaining:

- Continual positive movements and achievements of all financial and sustainability ratio benchmarks within a realistic and acceptable timeframe;
- Continue to budget each year for a net operating surplus from ordinary activities; and
- Generate enough revenue to renew assets when required to maintain capacity of performance and associated levels of services. The new LTFP will continue to set annual renewal expenditure at levels that manage asset renewal demand profiles.

Note that the proposed rating adjustment represents the initial intent by Council and can be changed during the budget process.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

Revenue from rates supports provision of social infrastructure required by the broader community. The annual review of rates and associated forward planning of revenue requirements form a significant part of the LTFP process to assess resourcing requirements to achieve strategic objectives and ensure future financial sustainability of the City.

Environment:

There are no adverse environmental impacts.

Economy:

Councils raise revenue from rates to deliver, maintain and renew as necessary, key economic and social infrastructure and services required to enable the local economy.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Each year, as noted under Legislative Implications below, Councils are required to give local public notice of intent to impose differential general rates and minimum payments. This is an annual statutory obligation.

COMMUNITY/COUNCILLOR CONSULTATION:

City of Greater Geraldton Councillors have been and will continue to be engaged through a series of Forums, which are being conducted through February to June of 2019. These Forums address the Capital Works Program, 2019/20 Budget Operating Revenue & Expenditure and LTFFP.

LEGISLATIVE/POLICY IMPLICATIONS:

Statutory requirements for differential general rates and minimum payments are broadly set out in sections 6.33 through to 6.36 of the Local Government Act 1995 (the Act). As well, particular matters associated with those provisions of the Act are prescribed in the Local Government (Financial Management) Regulations.

Section 6.36 of the Act requires all Councils, before imposing any differential general rates or minimum payments, to give local public notice of its intention to do so, and inviting submissions from electors and ratepayers.

Such notice may be published within a period of two (2) months preceding the commencement of the new financial year (that is during May or June), and must provide at least 21 days for submissions.

The Act requires Councils to consider any submission received, before imposing differential general rates and minimum payments. Councils may adopt the rates and minimum payments as published in local public notices, or may modify and adopt differential rates or minimum payments different from those published – in which event the Council must include the reasons for doing so, as part of its formal annual budget, when adopted.

FINANCIAL AND RESOURCE IMPLICATIONS:

Based on the proposed rates modelling, \$46.97m is the current estimate for rates revenue 2019/20. The 2018/19 budgeted rates revenue was \$46.30m. The 2019/20 estimate figure incorporates a forecast of rates revenue derived from interim rating during the 2018/19 financial year and predicted growth in 2019/20.

INTEGRATED PLANNING LINKS:

Title: Governance	4.4 Financial Sustainability and Performance.
Strategy 4.4.2	Ensuring the City's long term financial planning delivers the community goals and aspirations in a sustainable and affordable manner.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

Associated risk would be a failure to comply with section 6.36 of the Local Government Act in relation to the requirements to give notice on the Councils intention to impose differential general rates and minimum payments for the forthcoming financial year. This report mitigates that risk.

ALTERNATIVE OPTIONS CONSIDERED:

The proposed model of differential general rates and minimum payments gives consideration to both delivering infrastructure and services to the community in a financially sustainable and affordable manner.

Alternative options and/or rate models may be developed and reviewed as part of Council's final budget deliberation process.

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

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

1. **ENDORSE** the proposed differential rates and minimum payments for the 2019/20 financial year as detailed in Table 2 of this report, for the purpose of giving local public notice of its intention to impose differential general rates and minimum payments for the 2019/20 financial year; and
2. **INVITE** submissions from electors and ratepayers on the proposed rates and minimum payments and any related matters, as required under section 6.36 of the Local Government Act 1995.

CARRIED 13/0

Time: 5:15 PM

Not Voted: 2

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

CCS414 STATEMENT OF FINANCIAL ACTIVITY TO 31 MARCH 2019

AGENDA REFERENCE:	D-19-024378
AUTHOR:	T Machukera, Senior Treasury Officer
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	9 April 2019
FILE REFERENCE:	FM/17/0001
ATTACHMENTS:	Yes (x1) Monthly Management Report for period ended 31 March 2019

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a comprehensive report on the City's finances to 31 March 2019.

The statements in this report 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 monthly financial statements of activity dated 31 March 2019, as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of March 2019 is detailed in the attached report and summarised below, the variances are between Year to Date (YTD) budgeted forecasts and actuals (including commitments):

Operating Income	\$ 629,039	0.89% under YTD Budget
Operating Expenditure	\$ 1,830,328	3.0% under YTD Budget
Net Operating	\$ 1,201,289	12.10% positive variance
Capital Expenditure	\$ 607,822	1.0% under YTD Budget
Capital Revenue	\$ 19,547	0.36% over YTD Budget
Cash at Bank – Municipal	\$13,798,333	
Cash at Bank – Reserve	\$16,221,375	
Total Funds Invested	\$29,783,989	
Net Rates Collected	93.44%	
Net Rates Collected in March 2018	94.28%	

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 revised budget. The financial position represented in the March financials shows a positive variance of \$1,201,289 in the net operating result (this takes into account commitments).

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

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	4.4 Financial Sustainability and Performance
Strategy 4.4.1	Preparing and implementing short to long term financial plans.
Strategy 4.4.3	Delivering and ensuring business systems and services support cost effective Council operations and service delivery.
Title: Governance	4.5 Good Governance and Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

There are no alternative options to consider.

COUNCIL DECISION**MOVED CR FREER, SECONDED CR COLLIVER**

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

- 1. RECEIVE the monthly financial statements of activity dated 31 March 2019, as attached.**

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

12.3 REPORTS OF INFRASTRUCTURE SERVICES

IS194	HMAS SYDNEY II MEMORIAL PUBLIC FACILITIES
AGENDA REFERENCE:	D-19-022931
AUTHOR:	C Lee, Director Infrastructure Services
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	3 April 2019
FILE REFERENCE:	GO/6/0012-06
ATTACHMENTS:	Yes(x4)
	A. Smith Sculptors' Preferred Option 3 – Side Elevation
	B. Wilde & Woollard Report Summary
	C. Smith Sculptors' Option 3 Plan
	D. Smith Sculptors' Preferred Option 3A

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for inclusion of funding for the public facility preferred option at the HMAS Sydney II Memorial in the 2019-20 City Capital Works Program.

At the Ordinary Meeting of Council on 26 September 2017, Council resolved to approve the Eastman Poletti Sherwood Architects (EPS Architects) design Option 2 as the indicative preferred design for the Memorial's toilet facilities subject to feedback from the HMAS Sydney II Memorial Advisory Committee (the Committee) and other key stakeholders, on the final design of the interpretive elements of the toilet design.

The Committee subsequently rejected this option and recommended that Smith Sculptors be approached again to produce another alternative design to obtain a satisfactory outcome more in keeping with the elements of the Memorial.

Great effort has been made by City Officers to manage the development of cost effective, alternative, designs that meet the community, Council and volunteer requirements.

Designs were completed and 'Option 3' was subsequently endorsed as the Committee's preferred option. Option 3 proposes double the number of facilities than EPS Architects Option 2 in providing one Universal Access toilet (UAT), four female toilets, two male toilets, one urinal and a storeroom.

Detailed engineering design and opinion of probable cost estimates have been received for Option 3 (refer Attachment No. IS194A and C) by the City from Smith Sculptors and their sub-consultant team.

EXECUTIVE RECOMMENDATION:**PART A**

That Council by 1/3rd Majority pursuant to Section 5.25 of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 RESOLVES to CONSIDER to REVOKE the Council Decision IS157 Points 2, 3, 5 and 6 made at the Ordinary Meeting of Council on 26 September 2017:

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

2. *APPROVE the location for the Memorial's toilet facilities as per Eastman Poletti Sherwood Architects design Option 2;*
3. *APPROVE the Eastman Poletti Sherwood Architects design Option 2 as the indicative preferred design for the Memorial's toilet facilities subject to feedback from the HMAS Sydney II Memorial Advisory Committee and other key stakeholders, on the final design of the interpretive elements of the toilet design;*
5. *SEEK external grant funding contributions for the construction of the preferred option; and*
6. *CONSIDER providing funding contribution for the construction of the preferred option in the 2018/19 City Capital Works Program.*

PART B

That Council by Absolute Majority pursuant to Section 5.25 of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 RESOLVES to REVOKE Council Decision IS157 Points 2, 3, 5 and 6 made at the Ordinary Meeting of Council on 26 September 2017:

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

2. *APPROVE the location for the Memorial's toilet facilities as per Eastman Poletti Sherwood Architects design Option 2;*
3. *APPROVE the Eastman Poletti Sherwood Architects design Option 2 as the indicative preferred design for the Memorial's toilet facilities subject to feedback from the HMAS Sydney II Memorial Advisory Committee and other key stakeholders, on the final design of the interpretive elements of the toilet design;*
5. *SEEK external grant funding contributions for the construction of the preferred option; and*
6. *CONSIDER providing funding contribution for the construction of the preferred option in the 2018/19 City Capital Works Program.*

PART C

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

1. ACKNOWLEDGE the Volunteer Groups and HMAS Sydney II Memorial Advisory Committee for their invaluable contribution towards the Memorial;
2. APPROVE Smith Sculptors' Option 3 as the preferred option for the Memorial toilet facility, following consultation with City Officers on design details;
3. CONSIDER providing funding contributions for the construction of the preferred option 3 in the 2019/20 City Capital Works Program;
4. SUPPORT the HMAS Sydney II Memorial Committee to SEEK external grant funding contributions towards the construction of the preferred option 3A; and
5. REFER the matter back to Council if funding support is not secured by HMAS Sydney II Memorial Committee within 12 months of approval of this matter.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The HMAS Sydney II Memorial (the Memorial) located atop of Mt Scott is a Monument of National Significance and a prominent Geraldton landmark. The Memorial did not initially have an on-site toilet and approximately ten (10) years ago the City installed a single unisex, universal toilet adjacent the car park.

While this public facility has addressed some of the site's additional needs since installation, increasing visitation numbers at the Memorial requires that the existing toilet facilities be supplemented with temporary toilet facilities, particularly when cruise ships and tour groups visit the City.

In October 2016, City Officers presented generic concept design options to the HMAS Sydney II Memorial Advisory Committee based upon the standard City design currently being used within Public Open Spaces (POS).

The Committee rejected the generic designs proposed by City Officers with a note by members to re-enforce its support of the Smith Sculptors' design.

The HMAS Sydney II Memorial Advisory Committee Chairperson and Memorial Warden opted to propose an alternative design by Smith Sculptors. The alternative design incorporated an interpretive entrance space and storage area set back into the existing hill and independently estimated to cost between \$692,250 and \$1,150,400 excluding GST to construct.

Following rejection of the generic design proposals, the City engaged EPS Architects for a fee of \$13,950.00 excluding GST to provide Council with a further two (2) alternate concept design options that offered increased toilet provisions and functional storage space to those currently on site. Cost estimates for the construction of EPS Architect's options 1 and 2 were estimated to be in the order of \$443,000 and \$305,000 excluding GST respectively.

The EPS Architects' designs and Smith Sculptors' designs were both presented to the Council at the September 2017 Ordinary Meeting (Agenda Item IS157).

Subsequent to Council resolving to support the EPS Architects Option 2 as the preferred option, a meeting of the HMAS Sydney II Memorial Advisory Committee was held on 4 October 2017, with the Committee recommending that:

“the Rotary Club delegate, approach “Smith Sculptors” to produce alternate design elements in keeping with the recommendation made by Council in the Ordinary Meeting of Council of 26 September 2017.”

A further meeting of the HMAS Sydney II Memorial Advisory Committee was held on 14 December 2017, where the Committee recommended:

“that approval of the construction of the EPS Plan No.2 (dated June 2017) be RESCINDED so that further dialogue with the original designers of the HMAS Sydney II Memorial can be undertaken to obtain a more satisfactory outcome.”

The HMAS Sydney II Memorial Advisory Committee met on 12 February 2018 with the Committee recommending that Director Infrastructure Services, Chris Lee, on behalf of the Chief Executive Officer, contact Smith Sculptors to discuss development of a suitable design brief for the development of appropriate public facility options.

As a result of this recommendation Smith Sculptors were requested to provide a fee proposal to deliver two (2) base design options for a “public facilities building” at \$350,000 and \$700,000 respectively.

Smith Sculptors provided a Pro Bono proposal to undertake the required scope of work on 6 April 2018 and discussed at a meeting of the Committee on 18 April 2018. At this meeting, the Committee recommended to:

“support the pro-bono Smith Sculptors proposal, and progress preparation of conceptual plans for the HMAS Sydney II Memorial public facilities in accordance with the criteria.”

In August 2018 Smith Sculptors presented concept designs consisting of three (3) options to Council and the HMAS Sydney II Advisory Committee.

Following several weeks of consideration by the representative organisations which make up the Committee, a further Committee meeting was held at which the Committee recommended:

“1. That Council

- (a) Rescind Council Resolution IS157 made on 26 September 2018 regarding the public facilities at the HMAS Sydney II Memorial.*
- (b) Adopt the Smith Sculptors Concept Designs 3 and 3A as the preferred designs for the Memorial;*
- (c) Allocate funds in FY2018/19 for design and construction of toilets facilities as per Concept Design 3; and,*

- (d) *Provide in principle support for construction of facilities as per Concept Design 3A to allow Rotary and RSL to pursue funding opportunities in the future.*
2. *That City officers engage the Smith Sculptors to develop a 15% design brief and cost estimates for Concept Designs 3 and 3A."*

Option 3 separates the public toilet facility and store room from the proposed Communal Space and Visitor Guide Facility (Option 3A). Informal construction cost estimates indicated that construction of these facilities could cost in the order of \$600,000 and \$700,000 respectively.

Smith Sculptors were subsequently engaged by the City in March 2019 for a fee of \$20,000 excl. GST to provide Lead Consultant services for the development of engineering design and opinion of probable cost estimates for preferred option 3 of the proposed ablution facilities at the HMAS Sydney II Memorial in Geraldton, Western Australia.

The Smith Sculptors' scope of services was to engage and manage a professional sub-consultant team to deliver professional engineering designs and cost estimates to deliver a public toilet facility within a capital cost budget of **\$350,000 excluding GST**.

The services include the delivery of architectural designs and quantity surveyor estimates including the structural, civil, and hydraulic and electrical engineering for the development of the proposed public facilities (ablution block).

The scope ensures that the detailed design is sympathetic to the HMAS Sydney II Memorial Geraldton WA and will meet the requirements of the Conservation Framework.

The design and cost estimate deliverables for Option 3 have now been received by the City, and are presented as attachments to this item.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

The HMAS Sydney II Memorial is a source of great pride and importance within the community. There is a strong level of community ownership and interest and any future amenity should acknowledge the social value of the Memorial and include avenues for continued community involvement.

The Geraldton Voluntary Tour Guides Association provide a voluntary service to the community through daily tours and have also expressed the need for additional ablution facilities as well as a need for a meeting/storage space near the Memorial to assist them in carrying out their daily tours, and storing of equipment which requires set-up on weekends and cruise ship visits.

The facility addresses the needs of the community, visitors and tour guides in providing an improved facility of eight times (four female, two male, one urinal and one Universal Access) the existing number of ablution facilities and visitor guide storage facility on site.

Environment:

There are no environmental issues associated with the proposed ablution facilities in the proposed location. The engagement of Smith Sculptors to provide guidance on the design of the external surfaces of the building will ensure that the facility is sympathetic to the Memorial environment.

Economy:

The City notes and acknowledges the economic value of the HMAS Sydney II Memorial which attracts a large number of visitors to our City and there are positive economic outcomes from ensuring the Memorial has appropriate facilities to remain a tourism icon for the City.

Governance:

The City of Greater Geraldton adopted a Conservation Framework for the management of the HMAS Sydney II Memorial on 27 August 2013. The Conservation Framework is a tool to assist Council decision-making for the management and long term planning for the Memorial. It assists in facilitating a planned approach to the ongoing management for the Memorial, to safeguard the Memorial's position as a high profile community and national asset and preserve its independent and enduring purpose.

The proposed designs by Smith Sculptors and Arup are proposed to be a support facility to the Memorial that is cognisant of both the Memorial narrative and commemorative space by the architect of the sites original design.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Agenda Item CC180 – HMAS Sydney II Memorial – Proposed Facilities Design. 28 October 2014.

Agenda Item IS157 – HMAS Sydney II Memorial Public Facilities. 26 September 2017.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been Committee and Councillor consultation, with Smith Sculptors presenting the proposed options at the August 2018 Concept Forum.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or Council policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

The indicative construction cost estimate by Wilde and Woollard Quantity Surveyors & Construction Cost Consultants for the preferred Option 3 ablution facility is **\$348,000** excluding GST.

Note that the City has no control or influence over contractor pricing. Given the sensitivity of the project, Officers recommend that a tender evaluation report be prepared for Council consideration prior to award of Contract.

INTEGRATED PLANNING LINKS:

Title: Community	1.5 Recognise, value and support everyone
Strategy 1.5.1	Supporting and strengthening community groups, organisations and volunteer services.
Title: Environment	2.3 Built Environment
Strategy 2.3.1	Promoting a built environment that is well planned and meets the current and future needs of the community.
Strategy 2.3.2	Providing accessible community spaces, parks, natural areas, sport and recreational facilities that equitably service the whole community.
Title: Economy	3.2 Lifestyle and Vibrancy
Strategy 3.2.2	Promoting events and unique tourism experiences that aid in attracting visitors and investment.

REGIONAL OUTCOMES:

The HMAS Sydney II Memorial is recognised as a significant national asset that attracts tourism and visitor benefits to the Region. The addition of appropriate public amenities will further demonstrate the region's commitment to providing high quality and well managed tourist attractions.

RISK MANAGEMENT:

Reputational risk – The Geraldton Volunteer Tour Guides are a key stakeholder within the HMAS Sydney II Memorial who provide free tours of the Memorial on a daily basis. Should Smith Sculptors' preferred design not be approved, the tour guides may choose to cease operating and the City may be viewed as not supporting tourism requirements.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

The following options were considered by City Officers:

1. LEAVE AS IS: Leave the existing facility in place and continue to supplement with additional temporary facilities as required.
2. APPROVE Construction of a standard / generic City ablution facility for the estimated construction cost of \$180,000 excluding GST (based upon Maitland Park).
3. APPROVE Construction of the previously approved Eastman Poletti Sherwood Option 2 for the estimated construction cost of \$305,000 excluding GST.

COUNCIL DECISION**MOVED CR REYMOND, SECONDED MAYOR****PART A**

That Council by 1/3rd Majority pursuant to Section 5.25 of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 RESOLVES to CONSIDER to REVOKE the Council Decision IS157 Points 2, 3, 5 and 6 made at the Ordinary Meeting of Council on 26 September 2017:

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

2. *APPROVE the location for the Memorial's toilet facilities as per Eastman Poletti Sherwood Architects design Option 2;*
3. *APPROVE the Eastman Poletti Sherwood Architects design Option 2 as the indicative preferred design for the Memorial's toilet facilities subject to feedback from the HMAS Sydney II Memorial Advisory Committee and other key stakeholders, on the final design of the interpretive elements of the toilet design;*
5. *SEEK external grant funding contributions for the construction of the preferred option; and*
6. *CONSIDER providing funding contribution for the construction of the preferred option in the 2018/19 City Capital Works Program.*

CARRIED BY 1/3RD MAJORITY 12/1

Time: 5:18 PM

Not Voted: 2

No Votes: 1

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	NO
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. Mcllwaine	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

COUNCIL DECISION**MOVED CR REYMOND, SECONDED MAYOR****PART B**

That Council by Absolute Majority pursuant to Section 5.25 of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 RESOLVES to REVOKE Council Decision IS157 Points 2, 3, 5 and 6 made at the Ordinary Meeting of Council on 26 September 2017:

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

- 2. APPROVE the location for the Memorial's toilet facilities as per Eastman Poletti Sherwood Architects design Option 2;**
- 3. APPROVE the Eastman Poletti Sherwood Architects design Option 2 as the indicative preferred design for the Memorial's toilet facilities subject to feedback from the HMAS Sydney II Memorial Advisory Committee and other key stakeholders, on the final design of the interpretive elements of the toilet design;**
- 5. SEEK external grant funding contributions for the construction of the preferred option; and**
- 6. CONSIDER providing funding contribution for the construction of the preferred option in the 2018/19 City Capital Works Program.**

CARRIED BY ABSOLUTE MAJORITY 12/1

Time: 5:19 PM

Not Voted: 2

No Votes: 1

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	NO
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

Cr REYMOND moved a motion different from the Executive Recommendation.

COUNCIL DECISION

MOVED CR REYMOND, SECONDED MAYOR

PART C

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

1. **ACKNOWLEDGE** the Volunteer Groups and HMAS Sydney II Memorial Advisory Committee for their invaluable contribution towards the Memorial;
2. **APPROVE** Smith Sculptors' Option 3 as the preferred option for the Memorial toilet facility, following consultation with City Officers on design details;
3. **CONSIDER** providing funding contributions for the construction of the preferred option 3 in the 2019/20 City Capital Works Program;
4. **PROVIDE** in principle support for the Smith Sculptors Concept Design 3A for the Visitor Guide Facility and Wall of Attributes.
5. **SUPPORT** the HMAS Sydney II Memorial Committee to **SEEK** external grant funding contributions towards the construction of the preferred option 3A; and
6. **REFER** the matter back to Council if funding support is not secured by HMAS Sydney II Memorial Committee within 12 months of approval of this matter.

CARRIED 12/1

Time: 5:28 PM

Not Voted: 2

No Votes: 1

Yes Votes: 12

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	NO
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

REASON FOR VARIATION TO EXECUTIVE RECOMMENDATION

To provide further clarity regarding Council support for the future direction of facilities at the HMAS Sydney II Memorial.

12.4 REPORTS OF OFFICE THE CEO

Nil.

12.5 REPORTS TO BE RECEIVED**RR04 REPORTS TO BE RECEIVED - APRIL**

AGENDA REFERENCE:	D-19-0214168
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	12 April 2019
FILE REFERENCE:	GO/6/0012-06
ATTACHMENTS:	Yes (x2)
	A. Delegated Determinations and Subdivision Applications
	B. Confidential Report – List of Accounts Paid Under Delegation – March 2019

EXECUTIVE SUMMARY:

The purpose of this report is 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 – Development and Community Services:
 - i. DCSDD145 - Report – 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. CCS415 – Confidential Report – List of Accounts Paid Under Delegation – March 2019.

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, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:

Community:

There are no adverse community impacts.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

There are no adverse governance impacts.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Reports to be received by Council at each Ordinary Meeting of Council

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.2	Ensuring finance and governance policies, procedures and activities align with legislative requirements and best practice.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT:

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

No alternative options were considered by City Officers.

COUNCIL DECISION**MOVED CR MCILWAINE, SECONDED CR COLLIVER****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 – Development and Community Services:**
 - i. DCSD145 - Report – 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. CCS415 – Confidential Report – List of Accounts Paid Under Delegation – March 2019.**

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

13 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14 QUESTIONS FROM MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

16 MEETING CLOSED TO PUBLIC

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting *may* need to be closed to the public, *if* confidential discussion is required.

PROCEDURAL MOTION**MOVED CR THOMAS, SECONDED CR FREER**

That Council by Simple Majority **RESOLVES** to **MOVE** behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a matter that is disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

CARRIED 13/0

Time: 5:30 PM

Not Voted: 2

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Bylund	NOT PRESENT
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Freer	YES
Cr. Elphick	YES
Cr. Hall	NOT PRESENT
Cr. Keemink	YES
Cr. McIlwaine	YES
Cr. Reymond	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

Livestreaming was turned off and the Public Gallery left Chambers at 5.28pm.

CEO055 CONFIDENTIAL - FREEMAN NOMINATION	
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AGENDA REFERENCE:	D-19-024116
AUTHOR:	R McKim, Chief Executive Officer
EXECUTIVE:	R McKim, Chief Executive Officer
DATE OF REPORT:	7 April 2019
FILE REFERENCE:	GO/6/0013
ATTACHMENTS:	Yes (x2) Confidential
	A. Confidential - Nomination Letter
	B. Confidential - Research Paper

Provided to Council under separate cover.

COUNCIL DECISION

MOVED CR CRITCH, SECONDED CR REYMOND

That Council by Simple Majority pursuant to Section 5.21 of the Local Government Act RESOLVES to:

- 1. CONSIDER the nomination of Mr Clem Thomas Keeffe by S Messina and sponsored by Cr Critch for conferral as an “Honorary Freeman of the City of Greater Geraldton”; and**
- 2. CONFER upon Mr Clem Thomas Keeffe the title of “Honorary Freeman of the City of Greater Geraldton” in accordance with Council Policy 4.3 (Civic Ceremonies).**

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton’s Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

This item remains confidential as it contains information relating to a matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

PROCEDURAL MOTION

MOVED CR MCILWAINE, SECONDED CR THOMAS

That Council by Simple Majority RESOLVES to MOVE from behind Closed doors.

CARRIED 13/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton’s Meeting Procedures Local Law 2011 as amended, the motion was passed unopposed.

17 CLOSURE

There being no further business the Presiding Member closed the meeting at 5.33pm.

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>