



AGENDA FORUM

11 DECEMBER 2012

Departmental Guideline for Agenda Forums

Council Forums

Local government forums range from a once-only event to discuss and explore a particular issue, a number of sessions to address matters such as a specific project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives.

Regular forums run in local governments exhibit two broad categories which we have titled *agenda* and *concept*. They are differentiated by the stage of development of issues which are discussed by elected members and staff. The two types are described below along with the variations in procedural controls and processes suggested for each.

Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the Council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary Council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members.

Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed *agenda forums*. It is considered they are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that *agenda forums* are run with strict procedures.

There must be no opportunity for a collective council decision or implied decision that binds the local government to be made during a forum.

Agenda forums should be for staff presenting information and elected members asking questions, not opportunities to debate the issues. A council should have clearly stated rules that prohibit debate or vigorous discussion between elected members that could be interpreted as debate. Rules such as questions through the chair and no free-flowing discussion between elected members should be applied.

Procedures Applying to Both Concept and Agenda Forums

The Department recommends that councils adopt a set of procedures for both types of forums which include the following:

- Dates and times for forums should be set well in advance where practical;

- The CEO will ensure timely written notice and the agenda for each forum is provided to all members;
- Forum papers should be distributed to members at least three days prior to the meeting
- The mayor/president or other designated elected member is to be the presiding member at all forums; Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed;
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meeting room;
- There is to be no opportunity for a person with an interest to request that they continue in the forum; and
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

Procedures Specific to Agenda Forums

The Department recommends that councils adopt specific procedures for *agenda forums* which include the following:

- Agenda forums should be open to the public unless the forum is being briefed on a matter for which a formal council meeting may be closed; and
- Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings (or period deemed appropriate).

Meeting Record

Meeting Name	Agenda Forum	Meeting No.	13 - 2012
Meeting Date	11 December 2012		
Meeting Time	5.30pm		
Meeting Location	Chambers, Cathedral Avenue		
Attendees	Mayor I Carpenter Cr N McIlwaine Cr R Ashplant Cr N Bennett Cr J Clune Cr R deTrafford Cr P Fiorenza Cr R Hall Cr N Messina Cr I Middleton Cr T Thomas Cr S Van Styn	By Invitation	
		Member of Public	2
		Press	1
		Leave of Absence	Nil.
		Apologies	Cr D Brick Cr C Gabelish A Selvey, Director of Creative Communities
	Absent	Cr R Ramage	
	Officers: A Brun, Chief Executive Officer C Wood, Director of Organisational Performance P Melling, Director of Sustainable Communities B Davis, Director of Treasury & Finance S Smith, Manager Geraldton Regional Library/Acting Director of Creative Communities N Arbuthnot, Director of Community Infrastructure A Zinetti, Meeting Secretary S Heberle, PA Community Infrastructure M Chadwick, Manager Environmental Health and sustainability S Enoka, IT Network Officer K Godfrey, Manager Economic Development and Innovation P Faraone, Principal Works Manager C Budhan, Manager Culture, Arts and Heritage G Sherlock, Operations Manager	Distribution	

1 Declaration of opening

The Presiding member opened the meeting at 5.32pm.

2 Apologies/leave of absence (previously approved)

Existing Approved Leave

Councillor	From	To (inclusive)
Cr S Van Styn	30 January 2013	10 March 2013

3 Declarations of conflicts of interest

Cr J Clune declared an interest in Item CC018 Community Sporting & Recreation Facilities Fund (CSRFF) as he is the chairman of the Wonthella Oval Management committee

4 Review of the Agenda Items for the forthcoming Ordinary Meeting of Council dated 18 December 2012

Please Note that this forum does not allow for debate or decision making on any item within this agenda. Briefings will be given by staff or consultants for the purpose of ensuring that elected members and the public are more fully informed

The Presiding Member will call each Report in the Agenda and open the floor to deputation, questions and statements.

Members of the public may verbally ask make presentations or ask questions on the item relating to the Draft Report to Council, subject to the provision in writing of the statement or question on the prescribed form.

Councillors may ask questions (strictly no debating) relating to each item as it is called the Presiding member.

There is no general public questions or statements permitted on matters not contained in the set agenda Council Agenda Forum. Any Questions relating to general matters or matters not in the agenda of the current Council Agenda Forum should be asked at Public Question time at an Ordinary Meeting of Council.

Petitions, Deputations or Presentations

Mark Chadwick, presented on the 2012 Children's Environmental and Health Report Card Project. The City accepted an Award at a ceremony in Perth on 26 November 2012 for stimulating learning. The overall winner was the City of Rockingham, followed by Coburn and Swan, Shire of Plantagnet also West Arthur and Northam. The City of Greater Geraldton was awarded fourth prize out of the rural category. The Report Card is a public health advocacy for the Institute of WA. This is the second year it has been running.

The plaque was then presented to Mayor Carpenter.

Mayor Carpenter, on accepting the award, expressed congratulations to all the people involved with this project and commended them for all the work they put in to this outcome.

Significant Strategic Matters

TF039 Confidential - Geraldton Airport Hotel

This Item will be deferred to the end of the meeting.

Audit and Risk Management

Nil.

Strategic & Policy Matters

SC079 Kardaloo Community Municipal Services ModelQuestion

Cr Clune enquired if this property is levied for rates.

Response

M Chadwick stated that the land belongs to the Aboriginal Land Trust so no rates are received from the Land Trust that the City is aware of.

CC089 CP046 Art Development Fund PolicyQuestion

Cr McIlwaine referred to point 5 of the executive recommendation and the general rate revenue. He asked that the dollar value be inserted of what this figure is expected to be in 2013?

Response

CEO advised that the rates are \$37,000,000 and 1% equates to \$370,000 .5% is half of that figure. That is a target for the City to work towards. The financial sustainability of the policy it is desirable to meet that first and also something to progress towards.

Statement

Cr McIlwaine commented that .5% was a lot of money and City Councillors haven't had the chance to have a discussion and should do so before it comes up for a decision.

Response:

CEO responded that this needs to be work through with Councillors as road projects and the like can skew figures and does need to be determined. Considerable amounts of funds are needed and some guidance from Councillors is required. This needs debate to get direction from Council next week to draw the line on this.

Question

Cr McIlwaine posed a final question regarding part 3 voluntary contributions from private sector given the response to part A and part B, are we to believe that there are voluntary contributions?

Response:

CEO informed, there is an issue with heads of power this would require scheme amendments and approval by the Planning Commission, but has not been generally supported by the Planning Commission to put compulsory targets or levies. The intent is to seek to have private sector voluntarily put money forward and work in conjunction. The City would like to work with industry to achieve that outcome to ensure that if companies are willing to invest, they do so through this process which will have a broader community benefit.

Question

Cr Van Styn stated that his questions are mainly on Reports to be Received, but in regard to Public Arts Advisory Committee, in formulation of the Policy and given this expenditure on i.e. projects such as the zephyr ii and the like, noting the lacking of public input, as there hasn't been anyone stepping up from the public. In formulation of the policy could there be consideration given to the reformation of that committee?

Response

CEO informed that the whole policy is based on the Public Art Committee driving it and being responsible for identifying projects and selecting them i.e. the zephyr ii and other foreshore art which was undertaken by the Public Arts Committee and all approved in accordance with the 2002 (the then) City Of Geraldton Foreshore Public Arts Master Plan. This went through a public advertising process for submissions and public art recommended two proposals back in 2006 for Foreshore Public Art Master Plan. The policy refines the guidelines for the project with local providers using investment of \$100,000 and less, to be directed to local providers rather than going to external parities. This was the stimulus for local artists to get involved. The whole policy is based on Public Arts Committee. It is still a good model and that is where the power rests.

Question

Cr Van Styn enquired that from discussions in a meeting earlier, is it possible or not for this Public Art Committee to be reviewed as they have failed to get members of the public on the committee?

Response

CEO stated that the Committee is working fine.

Response

Mayor Carpenter reiterated that the Public Arts Committee is working fine and referred the question to Cr Bennett to respond as he sits on that committee.

Response

Cr Bennett informed that a Public Arts Committee meeting was held prior to this meeting and the Committee endorsed this policy today, 11 December 2012 and is quite comfortable with it. The vacancies on the Committee will be advertised.

Response

CEO advised that in terms of public art, it is best practice and doesn't have process with public art and has a generalist view. It is a point of difference for Council to determine how much is spent on public art is relative to investment. Generally, the state government and federal government do not have a process for selecting public art as it is based purely on artistic assessment.

Question

Cr Middleton requested clarification on the zephyr ii purchased in 2002, was that not funded by a Federal Government grant?

Response

CEO gave clarification that this was selected in 2006 through expression of interest at the time for the 2002 master plan. Part of this is fulfilling obligation to this \$33,000,000 project which equated to 1% of the investment on this, being \$330,000 was invested in this. Aboriginal art relates to the night sky and SKA and other elements to complete the art work projects and so will complete the artworks consistent to the process.

Question

Cr Bennett enquired on the policy document and to clarify with the Manager Culture, Arts and Heritage, if there is any relation to it. He asked for some wording changes. Regional Arts committee should be changed to 'Management committee' the word advisory changed to 'management'.

At the end of sentence Regional Art employees - this needs to say 'they are employed by Culture and Arts (and not City of Greater Geraldton). This should read 'all employees at Regional Art Gallery by GCA to reinforce this is a partnership' – 2nd last paragraph. Add 'and the Gallery Director will advise in all matters for acquisition'.

Operational Matters

CEO012 CP055 Geraldton City Centre Vibrancy Policy & StrategyQuestion

Cr Bennett requested clarification on the 1% funding.

Response

CEO stated that for the place manager role Council is providing the funding.

Question

Cr McIlwaine commented that the 1% is of concern and is consideration given to revenue from the local area or is this is an impost of 1% rate on the community?

Response

CEO advised that consideration was given to multiple options including specified rates. The CDB is a common asset for community. There is a

disproportion that comes from high land value from the area. Generally it was seen to be a significant precinct for the greater good and seen differently to State government for underground power. The rate is purely for some property alone for cost of improvement. This is not only for those property owners but to create a vibrant community for the city and to bring in tourism, hence a broader charge to make this more vibrant.

Statement

Cr McIlwaine congratulated those who were involved who assisted in the event last Thursday. It is seen as a positive outcome and City Laneways project brought many good comments to pass on.

Response

Mayor Carpenter also advised that this has drawn some very positive comments from the community which were conveyed to him as well.

Question

Cr Thomas asked if the 1% effect staffing implications, if it is paying for someone to undertake this role?

Response

CEO advised that it is not creating an addition 1% but being enough funds for our sustainability policy. There is an additional staff member and a Council decision is needed for the increase in staff numbers.

CEO013 CP056 Greater Geraldton Digital First Policy & Strategy

Nil

CEO014 CP057 Smarter City Policy & IBM Smarter Cities Report 2012

Nil

CEO015 Greater Geraldton Futures Governance Alliance Policy

Question

Cr Bennett asked that as the role of Local Government which is changing and his question relates to why on P. 39 points 2 to 7 of the report to transitional report of the Alliance into a separate body, is that not day to day accountable to Council?

Response

CEO advised that it has a deliberative conclusion in two parts and Council would have a control of performance measures to get leveraging rather than internal control. What it seeks is difference in whether it is hosted by City, Mid West Development Commission or Regional Development Australia etc. an incorporated body which is seen as best model rather than in another group with bias or leading into this. It has all six players to contribute to making sure the outcomes are being delivered. That is the philosophy taken and what models are best working around Australia and of best practice.

Question

Cr Bennett asked if the reporting mechanisms to Council are related to a contractual and incorporated body.

Response

CEO advised that it is too early to say pending the committee being adopted by Council. To investigate and to measure this performance once you move down that model. The City would want to be assured of appropriation funds, best leverage is some contractual agreement for the various parties to this organisation.

Question

Cr Bennett asked what is the community members time limit or period of time for a committee to be subject?

Response

CEO advised that the Committee of Council will end in October in line with Council election once an incorporated body is established and what the terms of the membership is determined and how they are selected. This will come out of the IBM Report for regional outcomes. It is looking at a working group with deputies (and not CEO) being empowered as deputies of organisation for a broader partnership mandate to look after the organisation. The committee will have three community members for independence none of the members have the control, but the community gets that control.

Question

Cr McIlwaine referred to the IBM Report and the concern on partnership of committee as on pages 34 / 35, comments from Mid West Chamber of Commerce, which said CEO and others like the Mid West Development Commission. Given four key people apart from the City, why is it not going forward with that recommendation?

Response

CEO advised that the CEO group can still meet as a subservient advisory group. Concerns about the others to give notice of its intent, it needs Council vote at next week's meeting on 18 December and to seek additional comments from agencies rather than going to appointment of the committee. The advice provided is the right advice as the current model is not working. Advice from IBM has determined why things are failing. Council will need to look at this advice.

Question

Cr Middleton stated the City CEO would have controlling state contractual agreements. Will this be set by Council at a subsequent meeting and will the Terms of Reference also be set by Council at a subsequent meeting?

Response

The CEO advised that the intent of the committee is for the framework of alliance for performance measures which will be up to the participating

partners in providing funds for what they expect from partners as to what they expect to get from these funds. It is difficult to set a template across the board as each organisation has different expectations and the reality will be an individual contract to an incorporated body and each partner. This is determined by what funding partners want and will guide what money and additional money they can get out of them.

Question

Cr Middleton said that her understanding is an outsourcing or initiate governance, in a sense if outsourcing of tourism / participatory governance - which is it closer to?

Response

CEO advised that it is a participatory one and areas of common interest and opportunity for a delivery of funding. It is seeking to do this in economic development areas of common interest for an organisational opportunity to collectively deliver that service and getting other partners in and leveraging in the mix.

Question

Cr Bennett suggested that two words be changed in the heading of background asked to change wording which should add City 'should continue' to pursue - take out the word 'must'.

Response

CEO T Brun advised that is an officer's report and he does not object to the language.

CEO016 Terms of Reference of The Sister City Economic & Cultural Development Advisory Committee

Nil

CEO017 2013 Australia Day Public Holiday Retail Trading Hours

Nil

CEO018 Community Sporting & Recreation Facilities Fund (CSRFF)

Cr J Clune declared an interest in Item CC080 Community Sporting & Recreation Facilities Fund (CSRFF) as he is the chairman of the Wonthella Oval Management committee and left Chambers at 6:12pm

Question

Cr McIlwaine posed a number of questions – page 53 recommendations:

1. Our need to notify the Department of change of funding source - is it governed by regulations or amount of funds increased if not expecting to get more than 50% is there a requirement to notify of that change?

Response

CEO responded that yes, the change needs to be provided before committee makes its recommendation. The minister needs to know what our capacity and final requirements are so there is a requirement to notify or it will lapse our capacity to get any other grants, there is a need to redefine and to reaffirm our position.

Question

2. Seeking some advice on the likely timing of CLGF application which says it is pending?

Response

CEO advised that the CLGF is determined in areas e.g. this year's grant is firmed up in August or September by Department of Regional Development and Lands. They have moved it forward in timing for the budget and will go on recommendation if it is a decision of Council. It will be directing funds to that purpose.

The aspiration is to have it moved in time for the budget. If the project is eligible it will go on advice of Council. This needs a decision of Council if this project meets all requirements.

Question

3. Part 3 requests Towns and GNFL contribute 1/3 and City will fund 2/3 – It is a little odd that we commit in principle to 2/3 funding and then request some voluntary contribution?

Response

CEO advised that the City would like to see some commitment and for CSRRF committee what they would assess the project as being 50/50. Dealing with some new information and as deadlines are fast approaching for them to make a determination in late February or early March 2013 this is the timeline for a funding decision. Generally it is expected sporting groups will directly benefit.

Question

Cr Bennett stated that the record shows Towns Football Club has an excellent record with the City in self supporting loans, the clubrooms were built in the 1980s and pays way in excess. In helping them in their capacity to enter into a self supporting loan, they have a right to all charges for use of facility including special events of a non-sporting nature to be allowed because of high intensity of lights.

Response

Mayor Carpenter advised that there will be no debate on this and having some information from committee.

Response

CEO advised that the lights are in control of Wonthella Management Committee. The club has a revenue stream that provides for that. A realistic revenue stream that comes for lights but also future funds. The lights

replacement is of a greater financial burden. For the ground management committee there is reasonable expectation for contributions that comes in to a portion of costs. Beneficiaries are the ground management committee. There is capacity for City to be the borrower, but from executive point of view, would advise against it. But in this case sees a way of leveraging funds that are fair and equitable. With the community organisation seeking 100% of loan, advises against that.

Question

Cr Middleton asked regarding page 50 parts b and c - Community Sporting Recreation funds. Does this impact negatively on the skate park and is there a likelihood of funding with an extra 16% in the budget?

Response

CEO advised that it is difficult to answer. Most local governments across the state will put in multiple applications. In some cases priority two and three gets some funding, but most case priority one does not get up. It is very difficult to get any funding. CSRFF committee has asked for clarification and given further guidance hasn't provided anything further on the skate park but indications on skate park priority one comes up but not priority two. Will hope the committee will like one, if not, two, on the context put forward.

Cr Clune returned to Chambers at 6:22pm

CI031 RFT 56 1112 – Traffic Management Services

The attachment to this item is confidential and therefore deferred for questions at the end of the meeting.

CI032 RFT 30 1213 – Provision Of Consulting Services For The Design Of All Infrastructure Included Under the Verita Road Project

Question

Cr McIlwaine noted the part stating 'delegate and authorise CEO to evaluate and award' – and sought clarification on the dollar value on that contract and the estimate of the contract so a decision can be made by Councillors.

Response

CEO advised that the timing for BBRC funding timeframes sets this. The Federal government hasn't shifted and we are waiting for royalties funding which should be received any day now. The requirement is: completion by March 2014 and construction in place by June hence the timing. It expects to be \$1.5m capital works and above \$1.5m. The timeframes – tender process perhaps at January Special Council meeting this is to be looked at by Council. Advice is the risk is fairly low. If an opportunity arises to look at project with Special Council meeting in January 2013 that would be ideal, but if not, then delegated authority to meet the deadlines.

CI033 Endorsement of Additional Full Time Employees – Works DrainageQuestion

Cr Thomas enquired that under financial and budget implications, it states 'plus 60% overheads'. What does the overheads include?

Response

N Arbuthnot advised that included in the overheads figure is not just wages, this includes insurances and superannuation etc., which adds up to 40 to 60% with ministry charged on top of that. It costs a lot of money to employ people and wages are only 50% of this figure.

Question

Cr McIlwaine. Is there any consideration that the position will require vehicles and machinery?

Response

N Arbuthnot advised that the financial and budget implications are of \$150,000 and \$175,000 which has sufficient vehicles to accommodate these two employees and they are working in the one team.

SC077 Proposed closure of a portion of McCartney Road Reserve, GeorginaQuestion

Cr Clune asked if this section of McCartney Road only had one land owner.

Response

P Melling responded that yes, this is a single land owner.

Question

Cr Clune said that given the fact that it runs along the river, if the road is to be redirected will this need a closure in the future road reserve, due to its proximity to the river?

Response

P Melling advised that this is correcting an anomaly at the moment so this is just correcting a legacy. The question can be taken on notice, but the City is not aware of any issues.

Response

Mayor Carpenter advised that a briefing note addressing this question will be provided to Cr Clune by Mr Melling.

SC078 Proposed Partial Closure OF Pedestrian Access Ways, Mahomets FlatsQuestion

Cr McIlwaine referred to part 3 of the executive recommendation, the administrative costs of the redundant portion of accessway in to two lots. Are

we setting a precedence for blocks to close accessways and will this have a reasonable expectation to pay administration costs as well?

Response

P Melling advised that there are only two owners who came back with a response on this. The City is the one initiating this closure process to facilitate the Olive Street development. Normally the request is from a land owner. In this instance it is deemed as a fair and equitable process.

Question

Cr McIlwaine asked that in closing the accessway will this be absorbed into adjacent blocks.

Response

P Melling advised that only the section will go into the adjoining block for owners who request that and the rest will be amalgamated into City portions.

Reports to be Received

Nil

Elected Members Motions of Which Previous Notice Has Been Given

Trading Hours

Question

Cr Clune asked if there had been any consultation with shopping centres whether if one shop is opened then there will be a compulsion for all shops to remain opened.

Response

CEO advised that it is currently illegal in WA law for compulsory requirement of any business to open in a shopping centre.

Response

Mayor Carpenter advised that he had received an email from Peter Svenson. The email was tabled to all Councillors.

Mr Peter Svenson, One Stop Electronics

Statement

The 40 hour week was hailed as a major breakthrough in allowing families to connect when it was passed into law. The proposal to introduce 7 day trading seems to go completely against the spirit of the 40 hour week.

Cr Ashplant has used examples of lost business to the Metro and increased on line trading as justification for extended trading hours.

The companies that are lobbying for extension appear to be comprised of mainly corporate bodies such as Woolworths and Coles. Both of these

examples have a major promotion in on line trading as part of their marketing strategy.

Sue and I operate One Stop Electronics which used to be known as Dick Smith Electronics. We were authorised stockist for Dick Smith. Dick Smith was until recently owned by Woolworths.

Approximately 3 years ago Woolworths decided to divest itself of non corporate retail and advised we would no longer be part of their supply chain. Fortunately we were able to join the Leading Edge Group which operates under similar principals to IGA.

For us to operate 7 days we would need to employ another 2 staff members and on Sundays we would be required to pay penalty rates of double time. Our business is not profitable enough to be able to sustain this additional expenses and previous experience has shown extra trading hours do not equate to increased turnover so our only option would be to consider closing our doors.

I have had personal experience with 7 days trading in NZ and it was greeted with fanfare with its introduction. Within 12 months the public realised that extra trading hours did not necessarily mean there was more money to go around and now it is only the Woolworths and New world stores that can afford to remain open. This is in a situation where there are no penalty rates applied to employers.

If Coles and Woolworths had to pay the same wage structure as small business instead of their nationally agreed award I feel the desire to extend the hours would be somewhat lessened.

Maybe Cr Ashplant would consider lobbying Federal Parliament to negotiate a fairer wage structure for small business to remain viable rather than pursue them and regard them as lazy capitalists.

Question

Cr Middleton asked if the CEO was aware of the law that states that it is illegal to force shop owners to open, is this law likely to change in the future?

Response

CEO replied that he was not aware of any proposal and would be surprised if they did make a change to this existing law.

5 Councillor Questions Without Notice

Nil.

6 Confidential Business

Council went behind closed doors to ask questions on the following Items:

CI031 RFT 56 1112 – Traffic Management Services

TF039 Confidential – Geraldton Airport Hotel

7 Meeting closure

There being no further business the meeting closed at 6:56pm

FOR PUBLIC REVIEW - NOT FINAL COUNCIL AGENDA

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>

FOR PUBLIC REVIEW - NOT FINAL COUNCIL AGENDA