



AGENDA FORUM

13 DECEMBER 2011

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.	2 - 2011
Meeting Date	13 December 2011		
Meeting Time	5.30pm		
Meeting Location	Chambers, Edward Road		
Attendees	Mayor I Carpenter Cr R Ashplant Cr N Bennett Cr D Brick Cr J Clune Cr P Fiorenza Cr R D Hall Cr N Mcllwaine Cr N Messina Cr R Ramage Cr T Thomas Cr S Van Styn Cr C Gabelish	By Invitation	
		Member of Public	4
		Press	1
		Leave of Absence	
		Apologies	Cr I Middleton Cr G Bylund
	Absent		
		Distribution	as above
	Officers: A Brun, Chief Executive Officer C Wood, Director of Corporate Services B Davis, Director of Commercial Enterprises A Selvey, Director of Creative Communities N Arbutnot, Director of Community Infrastructure Murray Connell, Acting Director of Sustainable Communities Margot Adam, Minute Secretary Delwen Granville, Manager Human Resources Mark Chadwick, Manager Environmental Health and Sustainability Karen Godfrey Manager Economic Marketing and Development Jenny Rolston Manager Customer Relations and Community Relations Kim Chua Manager Financial Services		

- 1 Declaration of opening**
Mayor I W Carpenter opened the meeting at 5.32
- 2 Apologies/leave of absence (previously approved)**

Cr G Bylund
 Cr I Middleton
Existing Approved Leave

December	From	To (inclusive)
Nil.		

3 Declarations of conflicts of interest

Mayor I W Carpenter declared an impartiality interest in Item SC020 as a friend of the Mayor has land/buildings in the area.

Mayor I W Carpenter declared an impartiality interest in Item CE 026 as Geraldton Air Charter is a client of a staff member of his business.

Cr N Bennett declared a direct financial interest in CSO46 funding for the Mid West Sports Federation.

4 Public Questions

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

Question from Peter Teakle –Teakle and Lalor

Mr Teakle advised that he is supportive of policy however required clarification on the definition of the wording “another provider” for the planning assessment form. The form is a lengthy document and requires professional skills to complete. Mr Teakle would like a response in writing.

Response

Murray Connell stated that there is nothing in the Town Planning Act to state the definition of “another provider”. Anyone can lodge a planning application or subdivision application. All Independently produced assessments will be monitored and checked by the City. The City will operate with business as usual until new the new Act is adopted.

Question from Cr Ramage

Cr Ramage has requested that clarification be sought on matter.

Response

Mr Connell advised clarification will be provided.

5 Review of the Agenda Items for the forthcoming Ordinary Meeting of Council dated 20 December 2011

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

5.1 Petitions, Deputations or Presentations in Relation to the Agenda.

*Presentation by Mark Canny NACC GGG Climate Change Coordinator
On adoption of the climate change policy SC023.*

5.2 Public Questions in Relation to the Agenda

SC 019 Question from Peter Teakle

Mr Teakle advised that he is supportive of policy referred to in the item however required clarification on the definition of the wording "another provider" for the planning assessment form. The form is a lengthy document and requires professional skills to complete. Mr Teakle would like a response in writing.

Response

Murray Connell stated that there is nothing in the Town Planning Act to state the definition of "another provider". Anyone can lodge a planning application or subdivision application. All Independently produced assessments will be monitored and checked by the City. The City will operate with business as usual until new the new Act is adopted.

Question from Cr Ramage

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Response

Mr Connell advised clarification will be provided.

5.3 Councillors Questions With Out Notice in Relation to the Agenda

Reports of the Chief Executive Officer

Nil.

Reports of Corporate Services

CS038 Equal Employment Opportunity Management Plan

Question from Cr Clune

Cr Clune enquired about the number of residents in the Geraldton region who are of Aboriginal descent.

Response

Delwen Granville, Manager of Human Resources advised that the data is not currently available within the City. Details will be followed up for Cr Clune.

CS039 Special Issue Number Plates for Auction

Nil

CS040 2010/2011 Annual Reports for the Shire of Mullewa and the City of Geraldton-Greenough

Question from Cr Van Styn

Cr Van Styn queried the financial report, the budget variance on the on the chart does not match the figure written in the report.

Response

Kim Chua, Manager of Financial Services advised that the report would be amended prior to the Council Meeting.

CS041 Delegation by Local Government to the Chief Executive Officer Under The Bush Fires Act 1954

Question from Cr Clune

Cr Clune questioned the extent of the delegation to be approved by Local Government for the CEO, under the Bush Fires Act 1954

Response

The CEO advised that the delegation would be determined by the Chief Fire Officer Andy Darbyshire.

CS042 Changes to Significant Accounting Policy

Nil

CS045 Audit Committee Minutes – 6 December 2011

Nil

CS046 Recurrent Grant – Mid-West Sports Federation (MWSF)

Nil

Cr N Bennett declared a direct financial interest in CS046 funding for the Mid West Sports Federation

Reports of Sustainable Communities

SC019 Final Adoption of Local Planning Policy – Single House & Ancillary Structures Planning Assessments

Nil

SC020 Final Adoption of Town Planning Scheme Amendment no. 61 and Associated Design Guidelines – Mixed Use Rezoning Marine Terrace, Geraldton

Mayor I W Carpenter declared an impartiality interest in Item SC020 as a friend of the Mayor has land/buildings in the area.

SC021 Proposed Road Names – Lot 9005 Deepdale Road, Deepdale

Question from Cr McIlwaine

Cr McIlwaine asked whether the list of Council pre-approved road names was currently used within the City and if so whether the names on the list had been considered for this item.

Response

Murray Connell, Acting Director of Sustainable Communities responded that the list of pre-approved names was available for use however developers were entitled to propose an alternative name for approval.

SC022 Proposed Modification to Moresby Rural Residential Local Structure Plan

Nil

SC023 Adoption of the Climate Change Policy – Presentation from Mark Canny

Question from Cr Ramage

Cr Ramage enquired about the practical application of the policy and the benefit to ratepayers.

Response

Mark Chadwick, Manager of Environmental Health and Sustainability advised That the item was prepared to obtain a commitment to the Climate change policy by Council.

Response

The CEO outlined the direct actions which would be considered within the policy framework for example an initiative to reduce power consumption, water conservation for example re-using storm water, minimising carbon emissions from the Geraldton Landfill and via tree planting projects.

SC024 Memorandum of Understanding with Bundiyarra Aboriginal Community Aboriginal Corporation

Question From Cr Hall

Cr Hall asked whether the memorandum would include all Aboriginal Organisations in the area or only Bundiyarra.

Question from Cr Van Styn

Cr Van Styn asked if an MOU would be required for every Aboriginal organisation within the region.

Question from Cr Clune

Cr Clune asked for information on the work undertaken by Bundiyarra.

Response

Mark Chadwick advised that the MOU was specifically for Bundiyarra as the organisation had requested it. The MOU does not represent a bias against any other organisations that may or may not request an MOU with the City. Bundiyarra works within the Community to deliver community services through partnerships with other Aboriginal organisations, Government organisations and Community groups.

Reports of Creative Communities

CC024 HMAS Sydney II Memorial Advisory Committee

Question from Cr Hall

Cr Hall asked for an explanation of the selection of the organisations which would be invited to express interest in joining the committee. For example three Rotary Clubs are included.

Response

Andrea Selvey, Director of Creative Communities advised that the organisations selected were those that had attended previous meetings and had contributed to the HMAS Sydney Memorial project.

Question from Cr McIlwaine

Cr McIlwaine commented on the size of the proposed committee which is to include two councillors and limited to ten members.

Response

Andrea Selvey, Director of Creative Communities advised that the inclusion of two councillors was necessary as the Council is ultimately responsible for the project and that the expressions of interest from organisations will be reviewed by Council prior to the formation of the Committee.

CC025 Expression of Interest – 203 Lester Avenue

Question from Cr Ramage

Cr Ramage enquired whether the Council would be required to spend any money on premises prior to leasing the building.

Response

The CEO advised that the proposal was for a short term lease whilst the Midwest Multicultural Association looked for more permanent location and the City decided on a way forward for the premises. This being the case there is no necessity or intention by the City to expend funds on the property at this point in time.

CC026 Delegation to China***Presentation from Colin Dymond***Questions from Cr Gabelish

Cr Gabelish commented that the figure for the proposed delegation visit to China of \$17,500 was the same amount as that for the proposed visit to Indonesia. Cr Gabelish asked why this was the case as he believed that it would be less expensive to visit Indonesia.

Questions from Cr Hall

Cr Hall asked about the selection process for a sister city relationship as one of the Cities mentioned in the item was an inland City and Geraldton is on the coast.

Response

The selection of a sister City is based on trade related comparisons, size of City and the interest of the City in Sister city relationships.

CC027 2029 and Beyond Designing Our City Forum Preliminary Report

Nil

Reports of Community Infrastructure

Nil.

Reports of Commercial Enterprises**CE021 Lease – Portion of the Edward Road Administration Centre**

Nil

CE022 Lease – Theatre 8 Geraldton Inc - Reserve 29388 Eighth Street, WonthellaQuestion from Cr Gabelish

Cr Gabelish referred to the Sporting Futures Report and asked whether Theatre 8 would be relocated due to the development of the new sporting precinct.

Response

Bob Davis, Director of Commercial enterprises responded that the proposed Lease would provide a level of tenure for Theatre 8 which was less than the 21 years originally requested and sufficient time for the City to proceed with development of the Queens Park Theatre precinct this will potentially provide a suitable area for the Theatre 8 group.

Question from Cr Gabelish

Cr Gabelish queries the status of the letter from Mr Arndt and the conditions placed on any move. How do these conditions relate to the City's understanding of any commitments made and its impact to the proposed Recommendation.

Response

Director Commercial Enterprises advised that the intent of the recommendation was solely to highlight the potential for the move and the any detail would need to be resolved in the future. He committed to liaising further with Mr Arndt to clarify the actual requirements and understanding and their alignment with City officers understandings.

Question from Cr Ramage

Cr Ramage commented that the proposed condition in part C of the item 2(b) appeared to deny Theatre 8 the option of remaining in the current premises should a new facility become available during the term of the lease. Cr Ramage asked the CEO to clarify the condition.

Response

Bob Davis, Director of Commercial Enterprises advised that the council item will be removed from the Agenda to allow for time to clarify the condition.

CE023 Assignment of Lease – Mal Dunn Pty Ltd to MI & KI Dunn Pty LtdQuestion from Cr Van Styn

Cr Van Styn asked whether the two entities would have common ownership

Response

Bob Davis, Director of Commercial Enterprises advised that the information would be provided to Cr Van Styn.

CE024 Lease – Mobil Oil Australia – Geraldton AirportQuestion from Cr McIlwaine

Cr McIlwaine enquired about the length of the lease term previously approved and asked why the lease was to be extended. Cr McIlwaine asked about the implications in reference to the master plan.

Response

Bob Davis, Director of Commercial Enterprises advised that the three years formerly approved was not sufficient time for the re investment plans of the company. With reference to the Master plan the proposals will not be implemented for 10 to 15 years.

Question from Cr Hall

Cr Hall enquired whether the fuel supply at the Airport was open to competition.

Response

Bob Davis, Director of Commercial Enterprises explained that the fuel supply at the Airport was open to expressions of interest however no other expressions had been received to date.

CE025 Restoration of Outside Male and Female Toilets / Change Rooms - AquarenaQuestion from Cr McIlwaine

Cr McIlwaine asked about the length of time that had elapsed between the report on the maintenance issues for the building and the current item to address safety issues. Will the \$40,000 expenditure remove the Council's liability?

Response

Bob Davis, Director of Commercial Enterprises responded that the maintenance had been delayed pending the outcome of the Department of Sport and Recreation (DSR) proposal to fund a Sports House, whereby the building would be demolished. DSR did not however receive funding and therefore the building required repair to make safe and address plumbing issues. The \$40,000 will be used to re-roof the building and additional bracing will be used to strengthen the walls.

Question from Cr Gabelish

Cr Gabelish asked whether the building was required given the indoor toilets and change rooms at the Aquarena.

Response

Bob Davis, Director of Commercial Enterprises advised that he had received a mixed response regarding the necessity for the toilet and change room block and that he would obtain further information and issue a briefing note to Councillors.

Question from Cr Messina

Cr Messina asked why it was necessary to spend \$40,000 when the building was to be demolished at a later date.

Response

Bob Davis, Director of Commercial Enterprises advised this would be addressed in the briefing note.

Question from Cr Hall

Cr Hall asked whether obtaining a transportable facility may be a cost effective option.

Response

Bob Davis, Director of Commercial Enterprises answered that enquiries had been made into purchasing a transportable and the cost was \$125,000 and that the Department of Sport and Recreation was not in a position to help with the cost.

CE026 Lease of Land at Geraldton Airport to Geraldton Air Charter

Mayor I W Carpenter declared an impartiality interest in Item CE 026 as Geraldton Air Charter is a client of a staff member of his business.

CE027 Lease of Airport Land to Kelmac Aviation

Nil.

Reports to be Received*Reports of Corporate Services*

CS043 Accounts Paid Under CEO Delegation for November 2011
CS044 Financial Statements to November 2011

Reports of Sustainable Communities

SCDD059 Delegated Determinations – applications for Planning Approval

Reports of Creative Communities

CC028 Australia Day Meeting Minutes 9 November 2011
CC029 Australia Day Meeting Minutes 23 November 2011

6 Councillor Questions Without NoticeQuestion from Cr Gabelish

Cr Gabelish enquired about the length of time that the Aquarena would need to be closed in 2012 for essential repair work and maintenance.

Response

Bob Davis, Director of Commercial Enterprises advised that this was yet to be determined and that a consultant engineer would need to advise on this matter.

Question from Cr Hall

Cr Hall asked about the Council submissions for the power line from the railway to the port.

Response

The CEO advised that Phil Melling Director of Sustainable Communities had lodged a submission and that the City's position was against the option of an above ground power line.

7 Confidential Business**8 Meeting closure 7.38pm**