



FOR PUBLIC RE...

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AGENDA FORUM
MINUTES

15 MAY 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 Minutes

Meeting Name	Agenda Forum	Meeting No.	6 - 2012
Meeting Date	15 May 2012		
Meeting Time	5.30pm		
Meeting Location	Chambers, Edward Road		
Attendees	Mayor Ian Carpenter Cr R Ashplant Cr J Clune Cr D Brick Cr P Fiorenza Cr N Mcllwaine Cr N Messina Cr I Middleton Cr T Thomas Cr R Hall Cr S Van Styn Cr R Ramage Officers: A Brun, Chief Executive Officer C Wood, Director of Corporate Services B Davis, Director of Commercial Enterprises P Melling Director of Sustainable Communities A Selvey, Director of Creative Communities N Arbuthnot, Director of Community Infrastructure A Zinetti, PA to the Director of Sustainable Communities K Chua, Manager Financial Services M Atkinson, Manager Infrastructure, Planning & Design T Harman, District Manager – Mullewa District Office K Seidl, Manager Community Law and Safety	By Invitation	
		Member of Public	12
		Press	1
		Leave of Absence	Cr G Bylund Cr C Gabelish Cr N Bennett
		Apologies	Cr N Bennett
	Absent	Nil	
	Distribution		

1 Declaration of opening

Mayor I W Carpenter declared the meeting open at 5:30pm..

2 Apologies/leave of absence (previously approved)

Existing Approved Leave

April	From	To (inclusive)
Cr C Bylund	25 April	31 July 2012
Cr C Gabelish	13 May	18 May 2012

3 Declarations of conflicts of interest

Nil

4 Review of the Agenda Items for the forthcoming Ordinary Meeting of Council dated 17 May 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.

Significant Strategic Matters

CS066 New Differential General Rate – Undeveloped City Centre Property.

Question

Mr Colin Dymond, Member of the Public, enquired what criteria would be used for the assessment of the ‘vacant and poor condition’ of the buildings. Who would undertake the assessment of the buildings?

Response

C Wood Director of Corporate Services replied that it would be undertaken by someone with necessary expertise possibly the City Principal Building surveyor. The City would also develop a process of undertaking the assessment of properties.

Question

Mr Dymond asked that if the building was subsequently re-leased, will the differential rate be repaid.

Response

C Wood Director of Corporate Services replied that the process would be carried out in accordance with the Local Government Act.

Mayor Ian Carpenter added to the response that this could be based on the production of the lease document.

Question

Mr Dymond asked what will occur in relation to other heritage buildings e.g. the Bill Sewell Centre?

Response

C Wood Director of Corporate Services responded that comment can't be passed on individual buildings as each one is different in context and would be individually assessed against the criteria.

Question

Mr Dymond asked if a differential rate is created what would the revenue be utilised for?

Response

C Wood Director of Corporate Services advised that one option is to utilise the revenue raised for public safety initiatives i.e. CCTV.

Question

Mr Dymond queried as to what the new rate in the dollar will be for this year's rate notices, because if rate payers are not sure what the level of rating is, then how can Council make that decision when rate payers cannot determine the rate that will be applied?

Response

C Wood Director of Corporate Services advised the rate will be determined through the budget process.

A Brun, Chief Executive Officer advised that Council will advertise the rate in the dollar so owners can determine what the rate will be.

Mayor Ian Carpenter advised that the advertising period for the rate levy will be for 21 days after which Council will then determine the rate amount.

Question

Mr Dymond enquired how, by just increasing the rates, will Council get an improvement in the condition of the buildings.

Response

A Brun, Chief Executive Officer advised that the principal relates to the owners that keeps the vacant buildings empty. Developers have let some go into a state of disrepair. In many cases the properties could have been leased again but instead were left to fall into disrepair and vacant. An option that can be considered is to provide grants to assist in maintaining older heritage buildings. In developing this levy the City looked into other tried and tested models including a levy introduced by the City of Fremantle.

Question

Mr Dymond stated that the differential rate is being applied after. Council is on the wrong path and does not encourage people to comply, noting that at present there is no heritage money available to assist owners of listed buildings.

Mr Dymond questioned Council's proposal to introduce this levy and believes that to do this to people it is disadvantaging potential developers and especially those genuinely interested in developing these properties. Developers are being pushed out by this action. There are better options that the City should look into.

Question

Cr Van Styn enquired that given the wording originally put to Council, which was my own initiative, can we have this paragraph rephrased - vacant land was never the intention. Is it possible for the recommendation to reflect that?

Response

A Brun, Chief Executive Officer advised that the basis of this proposal is from discussions with Fremantle City and is modelled on their approach. It applies to buildings that are vacant or underutilised.

Question

Cr Ramage asked how the City deals with a person who has an occupied building but then a tenant leaves and the building becomes vacant, will the City penalise the person for not having a tenant. Cr Ramage commented that he knows the difficulties of leasing premises in CBD that currently are vacant waiting for tenants. Can Council penalise lessors/owners in those situations? How do you distinguish between the situations?

Response

A Brun Chief Executive Officer advised that it is a matter of determining the vacant lease period.

Mayor Ian Carpenter pointed out that it is intended for those building if they are unfit for occupancy.

Question

Cr Ramage commented that it needs to be determined by do they want to do anything with the dilapidated buildings, is that the intent of this council?

Response

A Brun, Chief Executive Officer advised that all comments raised at this forum will be considered. The draft recommendations is set around Fremantle City model which is also based on legal advice.

Comment/Statement

C Dymond commented that Council has to bear in mind, that in a recent land subdivision proposal, the banks would not lend to those developers even though they had significant sales pre-commitments and this impacted on developers being able to obtain the finance with which to redevelop their properties.

Question

Cr Middleton stated that for those people not really trying to lease their properties Council could look at those not active and then apply a differential rate.

Response

A Brun Chief Executive Officer responded that the criteria that could be applied would stipulate the length of time a property needed to be vacant before the levy is applied.

Question

Cr McIlwaine stated that he would like to see the wording of the City of Fremantle's levy for next week's Council meeting.

Response

A Brun, Chief Executive Officer advised that the information will be provided.

CE040 Kalbarri Airport Joint Venture Agreement Review

Question

Cr McIlwaine referred to Part iv of Executive Recommendation and asked where the valuation come from?

Response

A Brun, Chief Executive Officer advised that it is based on asset value and it is not on a commercial value e.g. the airport can't be put on the property market to sell. It is purely a development cost basis to this.

Strategic & Policy Matters

CI014 Removal of Tamarisk Trees in Eastbourne Road, Sunset Beach

Question

Mr Kelly Parker, Member of the Public.

The tamarisk trees on Eastbourne Road have provided a wind break for Eastbourne Road residents for many decades, in addition, they have provided habitat for birds reptiles mammals and insects in an otherwise barren park. The trees prevent dust pollution during summer by providing a windbreak any road damage caused by the tamarisk trees on Eastbourne road is minimal.

Why will these established trees be destroyed when they provide habitat, wind and dust protection with minimal road damage. How will the council ensure that the habitat and protection is replaced prior to their removal?

Response

A Brun, Chief Executive Officer, advised that the proposal to remove the trees was in response to a grant received as tamarisks trees are classed as a weed of national significance and need to be removed. The funding has now been expended and a policy was developed to deal with the declared weeds. Should more funding become available the policy process can be followed. It is a requirement of the policy that if trees are removed that they will be replaced with suitable trees. In relation to the highlighted trees, part of the rationale is based on the damage tamarisks cause to road and infrastructure. The trees would stay in place until another funding opportunity arises.

Question

N Arbuthnot, Director of Community Infrastructure, advised that Parks will look at when trees are replaced and how they transition this in relation to removal.

Question

Mr Dymond stated the roots are assisting in creating speed bumps thus slows traffic down. Tamarisk are declared as a national pest, but they are the first trees established in an environment that is so harsh that nothing else grows.

Question

Cr Clune enquired has the Policy document been endorsed? The Policy needs to be a bit more encompassing.

Response

A Brun Chief Executive Officer advised that it hadn't, this report is to go to next week's Council meeting and the policy will be looked at to take in the comments.

Question

Cr Thomas, enquired if anyone has come across any problems with soil quality and suitability, if the tamarisk trees are uprooted?

Response

N Arbuthnot, Director of Community Infrastructure, informed that before any trees are planted, work is done to assess the soil quality and elements so to be suitable for the tree species being planted.

Question

Cr Middleton enquired that once trees are removed are they replaced with Tuart trees or saplings.

Response

N Arbutnot, Director of Community Infrastructure, advised that this work is undertaken by the Parks team selecting the specific trees suitable for that area.

CS065 Approval of Council Policies

- CP031 Smoking in the Workplace Policy
- CP037 Affixation of the Common Seal Policy

Question

Cr McIlwaine enquired on the Smoking in the Workplace Policy – is this policy applicable to City staff only or to the general public as well.

Response

Mayor Ian Carpenter advised that the policy applies to staff and all others who come onto City premises.

Question

Cr McIlwaine enquired if it also apply to other City premises?

Response

A Brun, Chief Executive Officer advised, yes, the smoking policy applies to all Council buildings and properties.

Question

Cr McIlwaine enquired in the policy it state that it applies to all play grounds etc. Is this only for staff? Who is the policy put in place for? The wording is not clear.

Response

C Wood, Director Corporate Services, responded that a review of the policy will be done and will redefine the areas it applies to and this will make it more clear.

Response

Mayor Ian Carpenter advised that a tidy up needs to be done to the scope wording that includes company or leased or owned by the workplace.

Question

Cr McIlwaine asked for corrections to typing errors.

Typing errors will be corrected.

Question

Cr McIlwaine enquired if the policy is designed to move people on. Smokers congregate outside the entry to buildings and once they light up a cigarette, the smoke is drifting back inside the buildings, they defeat the purpose. Can this issue be addressed in the policy as well.

Response

C Wood Director Corporate Services informed that, no, it wasn't addressed and it is not possible to police this. There is a legislative requirement which says to erect signs to move people along.

Operational Matters

CI015 Proposed Foreshore Public Toilets

Question

Mr David Crothers, Member of the Public.

Mr Crothers expressed a compliment on the manner the City took in addressing the erosion issue on Chapman Road last week.

Response

Mayor Ian Carpenter thanked Mr Crothers for his complimentary comments.

Question

Mr Crothers put forward comments from owners of Forest Street on the west end. He stated concerns in relation to relocating the proposed toilets to the northern end would be inappropriate to position in this area. Given the extensive use of the Foreshore closer to Dome and his observations made on how people spend their time in this area, he believes the toilets should be positioned closer to Dome café area.

Mr Crothers tabled photographs.

B Davis left Chambers 6:10pm

Mr Crothers stated the design was seen as a contemporary design which gets away from traditional toilet designs. It sets a good look as a set of toilets. Mr Crothers requested for Council to consider his preference at the next meeting of Council to locate the toilets nearer to Dome café,

B Davis returned to Chambers at 6:12pm

Question

Cr McIlwaine enquired that the report conclusion mentions CCTV and lighting. What is planned for that area? How is the sewer line dealt with? Will it need a pump station?

Response

N Arbuthnot, Director of Community Infrastructure advised that there is no CCTV in that area currently, but there are plans for future installation of conduit and the link up CCTV in that area.

Response

A Brun, Chief Executive Officer stated the actual lighting for toilet block and any other lighting will be put up as necessary.

N Arbuthnot, Director of Community Infrastructure advised the City has looked at sewer provision of toilet facilities and a suitable system will be put in place to link in with the current sewer lines.

Question

Cr Ramage asked Mr Crothers if this positioning of the toilets would help alleviate vandalism in that area.

Response

Mr Crothers stated, yes, he believed it would.

Question

Cr Hall enquired with the current infrastructure for toilets in place, the cost for additional plumbing and other requirements, what is the overall costing going to be.

Response

N Arbuthnot, Director of Community Infrastructure advised that the cost is nil. He is not aware of any sewer being located on the foreshore side of the road in that area so the cost in either location will be approximately the same.

Comment

Mr Crothers estimates that the sewer in the northern end of Forrest Street that costs would be considerably higher if not located near Dome cafe.

Question

Cr Fiorenza enquired as to why the first option got changed when it was decided to erect the structure?

Response

Mayor Ian Carpenter responded that it was originally where public art was to go.

Question

Cr Van Styn commented on the foreshore area and his concern that grass is replaced with another building. The general concept for the foreshore was to keep the foreshore open and active rather than confined built up spaces the idea put forward was to free up this area.

Response

Mr Crothers commended that he supports the petition put to Council.

Question

Ms Jennifer Carlberg, Forrest Street - regarding the design and purpose of the toilet facility in the recent statements made was it not stated that it was to be by Design?

The toilets are a public facility, not a beach facility. Is this for use by the general public? The elderly and disadvantaged people would have to walk all the way to Forest Street to utilise the facility and suggests a closer proximity to CBD which would be better. The other location would disadvantage anyone with disabilities.

This was noted.

Response

N Arbuthnot, Director of Community Infrastructure advised that the design was to make this building not look like a toilet. He does not recall making the statement (by design).

Response

Mayor Ian Carpenter advised that yes, it is a public facility.

Question

Mrs Carlberg stated that for the past 7 years, for some reason, there is no lighting in that area between Durlacher St and Forrest Street along the foreshore footpath is in complete darkness at night time. The visual impact from a resident point of view on the concept and design doesn't have much art along that area. Mrs INSERT NAME asked if art work was going near Dome and can this be put down near the Forrest Street end with the artwork emu eggs etc. going there.

Response

N Arbuthnot, Director of Community Infrastructure advised that lighting will be taken into consideration along that area and consideration given to the proximity of the houses.

Response

A Brun, Chief Executive Officer, stated the Indigenous art is part of the foreshore and master plan.

Question

Would it be appropriate to place Aboriginal art where there is the Yarning circle and attract people to that area?

Response

A Brun, Chief Executive Officer advised that artists have looked at the area plan and it is designed for that particular place.

Question

Would Council make a decision to swap locations around?

Response

A Brun, Chief Executive Officer, advised that it is a decision for Council to consider at the Council meeting next week on 22 May 2012.

Question

Cr Middleton requested for clarification if the Mrs Carlberg wanted the lighting at that end of the foreshore area or was she opposing.

Response

Mrs Jennifer Carlberg informed that as a resident of that area, poor lighting inhibits people using that area in the dark and would like to see a proposal to look at Durlacher Street through to Forest Street to supply adequate lighting at night in that area.

CE041 Request for Great Northern Football League to Waive Airport Fees for Football Initiative

Question

Cr Fiorenza enquired what are the proposed dollar figures.

Response

B Davis, Director of Commercial Enterprises, advised that \$20 per person fee applies.

CE042 Lease of Car Hire Booths Greenough Terminal Geraldton Airport
Nil

CE043 Title Lease Tenure – Gordon Garratt Drive, Geraldton Airport

Question

Cr Hall enquired that parked vehicles encroach on airport terminal and is overflowing on to verges and drains. What is the potential to expand the carpark for our patrons?

Response

B Davis, Director of Commercial Enterprises advised there is a problem in that the hire vehicles are encroaching into the longer term car bays and FIFO workers are then parking in the short term bays. The City is trying to finalise the carparking and the funding.

Reports to be Received*Reports of Corporate Services*

CS064 Confidential - List of Accounts Paid Under Delegation

CS067 Monthly Financial Report April 2012

Question

Mayor Ian Carpenter stated that Harmony Day power supplies at the foreshore is an issue.

Response

A Brun, Chief Executive Officer advised that this is part of the West End Project for new electrical works, which includes putting access points in, but still awaiting grant funding for this.

Question

Mayor Ian Carpenter enquired about the West End and upgrade, are we going to factor in the funding for Forrest Street lighting as it is lacking down there.

Response

A Brun, Chief Executive Officer advised that this is only for the precinct at the Yacht Club. Forrest Street is a separate project and we would need to find funding for it.

Mayor Ian Carpenter advised that this needs to be flagged for serious consideration and there is a need to move on this quickly.

Question

Cr Messina commented if no toilets are needed then they can be taken out to save money.

Question

Cr McIlwaine commented on the darkness at night on the foreshore. Has light provision been made for lighting via conduits been put in place in the earlier construction work?

Response

N Arbutnot Director of Community Infrastructure advised that he doesn't believe that any infrastructure has been put in there.

Mayor Carpenter noted that Foreshore Drive side does have lighting.

Response

A Brun Chief Executive Officer advised that we are looking at this aspect with options of solar or wind generated lighting.

Question

C Wood, Director of Corporate Services enquired on further budget discussions which days are suitable for Councillors?

Response

Councillors expressed their preference for Wednesday and Thursday evenings, commencing from next Thursday onwards.

Further budget discussions will be held on the following days:

- Tuesdays - 4:00pm and also a session on
- Wednesday - 4:00pm (additional / carry over day)

Reports of Sustainable Communities

SCDD063 Delegated Determinations

Reports of Creative Communities

CC061 Bright Starts Family Day Care Officers report April 2012

CC062 Greater Geraldton Community Safety Crime Prevention Meeting Minutes

CC063 2012 Australia Day Celebrations Evaluation Report

CC064 2012 Harmony Day Celebrations Evaluation Report

Nil.

5 Councillor Questions Without Notice

Nil.

6 Confidential Business

Nil.

7 Meeting closure

The meeting closed at 6:37pm