



AGENDA FORUM
MINUTES

15 OCTOBER 2013

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.	10 - 2013
Meeting Date	15 October 2013		
Meeting Time	5.30pm		
Meeting Location	Chambers, Cathedral Avenue		
Attendees	<p><u>Present</u> Mayor I Carpenter Cr R Ashplant Cr N Bennett Cr D Brick Cr C Gabelish Cr J Clune Cr P Fiorenza Cr R D Hall Cr N Mclwaine Cr N Messina Cr I Middleton Cr R deTrafford Cr T Thomas</p> <p><u>Officers:</u> K Diehm, Chief Executive Officer A Selvey, Director of Creative Communities P Melling, Director of Sustainable Communities B Davis, Director of Corporate and Commercial Services N Arbutnot, Director of Community Infrastructure S Moulds, Personal Assistant to the Chief Executive Officer A Seaman, Executive Support Secretary – Minute Secretary M Connell, Manager Urban and Regional Development Robyn Nicholas, Senior Environment and Sustainability Officer B Robartson, A/Manager Marketing, Economic & Property Development P Radalj, Manager, Business Planning</p>	<p>By Invitation Member of Public Press</p> <p>9 1</p> <p>Leave of Absence</p> <p>Apologies</p> <p>Cr R Ramage</p> <p>Absent</p> <p>Distribution</p>	

1 Declaration of opening

The Presiding Member declared the meeting open at 5.30pm.

2 Apologies/leave of absence (previously approved)

Existing Approved Leave

Councillor	From	To (inclusive)
Cr Neil Mclwaine	17 October 2013	25 November 2013

3 Declarations of conflicts of interest

Nil.

4 Review of the Agenda Items for the forthcoming Ordinary Meeting of Council dated 22 October 2013.

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.

Questions are put to be put to Council via the Mayor. No questions can be put to individual Councillors at Council meetings as answers to questions reflect the view of Council.

Petitions, Deputations or Presentations

Nil.

Significant Strategic Matters**CCS007 LOCAL GOVERNMENT REFORM**Question

Cr Bennett asked if the Shire of Serpentine-Jarrahdale's position is any different to that of WALGA?

Response

Mayor advised that no he didn't think so.

Question

Cr Brick asked if the Serpentine-Jarrahdale's major concern is the removal of the referendum requirement for amalgamations?

Response

The Mayor advised that yes that was correct.

Question

C McIlwaine asked if the City had had any other correspondence from the Shire of Serpentine-Jarrahdale apart from the letter as attached to the report?

Response

The Mayor advised that he wasn't aware of any other correspondence.

Question

Cr Middleton asked for clarification on the concern of the referendum provisions for those who are not aware.

Response

Mr Davis advised that these provisions refer to the requirement for a referendum to be held should it be requested by the ratepayers of a particular Council. The State wants to suspend those requirements in relation to the metropolitan councils for the purposes of amalgamation in Perth.

Response

The Mayor went on to further clarify that if there is a proposed amalgamation, there can be a public vote but first there must be a petition presented to Council and that petition must have at least 10% of the voters in the electorate. That then triggers a vote on whether there will be an amalgamation or not. But it only currently refers to the eligible voters in a local government area that requests the actual vote to take place. The result of this referendum is only binding if you can get 50% of the people in that local authority to vote.

Question

Cr Middleton went on further to ask that when Greenough and Geraldton amalgamated, the election taken initially failed as people did not want Geraldton and Greenough to amalgamate but because less than 50% had actually taken part in the vote that meant that that wasn't a valid petition?

Response

The Mayor advised that yes, that's right it then goes back to the Council to make a decision.

When Geraldton, Greenough and Mullewa considered amalgamation there was a poll called by the people of the Shire of Mullewa and that didn't get to the 50% requirement either.

Question

Cr Messina asked, so it is 50% of 50% plus one?

Response

The Mayor advised that that was correct.

Question

Cr Hall recalled that during the Local Government Conference there a motion put forward to ensure that this provision actually stayed. Was the voting of a motion put forward to not remove the requirement?

Response

The Mayor advised that the current removal of those provisions, only applies to the metropolitan area not regional areas at the moment.

Response

Mr Davis advised that this was correct.

Question

Cr Gabelish asked whether WALGA has asked the City to support their stance?

Response

The Mayor responded that the decision is decided by our representative on the Northern Country Zone with her role on the WALGA State Council.

Question

Cr Gabelish asked if there had been any further requests/details from Jarrahdale to support their position?

Response

The Mayor advised, no.

SC122 FINAL ADOPTION OF THE LOCAL BIODIVERSITY STRATEGY

Question

Cr Clune asked a question in relation to the 30% threshold for species loss.

Response

Renata Zelinova from the WA Local Government Association (WALGA) advised that the 30% threshold originally comes from the pre-European extent of vegetation and is not related to what is currently remaining. It is measured at 30% of a biogeographic area. So when calculating the 30% it is relating to various types of vegetation. As the defined area gets smaller in scale to 30% vegetation are also gets smaller, for example the 30% is calculated at 30% of the smaller area. It has been found that the 30% threshold is important. Below this figure species loss accelerates.

Question

Cr Clune asked for some clarification in regards to the submissions received, about the City's capacity to implement the local biodiversity strategy if adopted.

Response

Mr Melling advised that the capacity of the City to implement the strategy is linked to it being a guiding document that assists when dealing with development and subdivision applications where natural remnant vegetation is threatened. The whole purpose of this strategy is to try and work those areas into existing Public Open Space (POS) allocations, for example if a subdivider was to cede 10% POS the remnant vegetation area can be selected for POS rather than creating formalised park areas.

This would then be managed according to the protection required to that area. So there will be an off-set between the manicured park areas and the costs that they incur to maintain and the actual remnant vegetation areas management costs.

If there are some areas of remnant vegetation that are outside the development process, as noted in the report, those items would go to Council for consideration on their individual merits at that particular time.

There are quite a number of different mechanisms that the City can use to implement the strategy to reduce the overall financial impact on Council (which is what the strategy is trying to achieve). Should there be some financial implications arising, then they will need to be decided via Council's formal budget process.

Question

Cr Clune responded to the answer by saying it was dependant on how actively involved the Council is with the strategy.

Response

Mayor advised that is also depends on the amount of money available too.

Question

Cr McIlwaine advised that the strategy impacts on a lot of areas within the City. He referred to the fourth coloured map in the attachments, map 3, and asked if we considered what the impact it is going to have on the City projects? There is a highlighted area, GG31 which covers a lot of the eastern side of Seacrest and Mount Taroola and specifically the area we are currently building Verita Road. Does this strategy take into account the impact that it would have on these type of projects?

Response

Mr Melling advised that that was a good example to use as those landholdings are part of the Karloo-Wandina Project, so the City is actively working with the Department of Housing so that when structure planning for the area is undertaken, the remnant vegetation is protected in the park areas that are set aside as part of the Open Space Allocation. The Department of Housing has been quite accommodating in that area, looking at the areas that have the best remnant vegetation value that can be protected. It also doesn't mean that all those areas that are highlighted are actually protected, it is the key areas (best condition) that are the important consideration.

Question

Cr Bennett advised that he had lived in the affected areas for the last 17 years with the changes over those years being quite dramatic especially for climate change. He asked a question in relation to climate change and the potential effects of development to protect increased use that generates vehicle access, movement of weed, etc. and that blocks that used to be pure are no longer pure and that some species are disappearing because of the dry earth with the water table being too low at the moment and vegetation is dropping significantly. Is this something we can't manage or should be aware of?

Response

Ms Nicholas advised that the actual strategy particularly deals with connectivity and that's one of our greatest tools with regard to dealing with climate change so we can have progression from one area to another. You are right about the disturbance but that is a fact of the growing population so the areas are getting disturbed at a greater amount unfortunately. If we could put up a very high fence to protect this it would be great, but we can't, so we just have to deal with the planning mechanisms as best we can.

Question

Cr Brick asked that with the identification and protection of key areas plus the promotion of connected areas, those natural vegetation pathways are part of adapting to climate change?

Response

Mr Melling advised that yes that was correct. They are certainly seen as important vegetation corridors but importantly for the wildlife as well. It's really about trying to link those areas by one form or another, which can be through a number of different measures that are identified in the biodiversity strategy in terms of inter-linking a series of park areas or through widened road corridors

Question

Cr Brick went on to ask that the 30% threshold is the threshold once below that the effects are exacerbated, and I think we are at about 15-18% at the moment, and the aim of this is to try and maintain these levels as if you go below the 15% radical changes start happening?

Response

Mr Melling advised that Cr Brick was correct with the 15% mark being the critical cut-off mark. Below that the percentage species destruction is significantly threatened.

Question

Cr Gabelish asked in terms of the incentives can you give some examples of what is being considered?

Response

Ms Nicholas advised that with regard to incentives a survey is conducted with the landowners that cover the vegetation of interest to assess what the most useful incentives to them would be. From this data we would develop costings and find a way of accessing funds. Some examples of incentives can be fencing, advice on species identification, and assistance with re-vegetation techniques. The incentives depend on what the landowner would find most useful.

Response

Mr Connell added that with the Waggrakine Rural-Residential Structure Plan that Council, Department of Planning and the Minister have endorsed the ability to collect Cash-in-Lieu for landowners that don't wish to re-vegetate. The City has approximately 12 sub-divisions come through only a few of those have chosen to investigate the Cash-in-Lieu option. The City is generating funds that can be used for biodiversity. So within the Waggrakine structure plan the City has acknowledged that there will be some landowners that will have no interest in do it, however there will be others that will actively seek some assistance. This incentives program might help the City prioritise some funding that the City is currently receiving.

Audit and Risk Management

Nil.

Strategic & Policy Matters

Nil.

Operational Matters

SC121 2013 Christmas Retail Trading Hours**Question**

Cr Bennett noted in the report that it states that the Chamber did not have enough support for December 20, Friday night trading, but none of the Centres, Centro or Northgate had put in for that date trading. He asked why that date was brought up since it had not been brought up by traders?

Response

Mr Melling responded that he was not aware of any reason why that date was selected, but will take that question on notice and provide the response in the briefing note to Councillors.

SC120 REVISED OUTLINE DEVELOPMENT PLAN – ALEXANDER AND MOLONEY STREETS, UTAKARRA

Nil.

CCSO11 THE GERALDTON-GREENOUGH RIFLE CLUB (INC) – REQUEST FOR DONATION TO COVER RATES

Question

The Mayor asked if the City had been able to establish if there was any agreement struck between the Shire of Greenough and the Rifle Club to determine if the agreement was for a stipulated period or in perpetuity?

Response

Mr Davis advised that in the documentation that was available there was a little ambiguity as to whether there was a formal agreement or not, but there is a strong sense in the documentation that was available that, that was the clear intent of the Greenough Council. In terms of framing the recommendation it was intentionally left open for Council to decide the arrangement.

Response

The Mayor advised that in the past there had been funding supplied to the Rifle Club from the Mayoral Fund which is an inefficient solution.

Question

Cr Gabelish asked if there had been any further discussions with regard to the Sporting Futures about potential club amalgamations and other available sites or any discussion on the longevity at McCartney Road?

Response

The Mayor advised no.

Question

Cr Bennett asked if a representative of the Club could explain the costing position of the location of the range in terms of public amenity near Lucy's Beach and who carries the cost of that?

Response

Dennis Marsden from the Geraldton-Greenough Rifle Club advised Council on the history of the Rifle Club and of the agreements that came about with the former Shire of Greenough and the National Heritage Trust.

Response

The Mayor thanked Mr Marsden for the clarification.

Question

Cr Clune asked why the Officer's Recommendation and Option 3 in the report had been set out as it was?

Response

Mr Davis advised that option 3 is an option for Council. However with Option 3, the request would need to come back every year for a decision. The City cannot give an exemption for a pure charitable purpose as it does not fit that definition. If Council agrees to authorise an annual donation it will be put into the budget and say in perpetuity this would be the simplest way. Waiving of rates means coming back each year as the City cannot exempt it .

Response

The Mayor also advised that the other complicating factor is that all these discussions took place in 1992 with the Local Government Act changing in 1995.

Reports To Be Received

<i>Reports of Corporate and Commercial Services</i>	
CCS009	Report to be Received – Statement of Financial Activity to 30 September 2013
CCS010	Confidential – Report to be Received – List of Accounts Paid Under Delegation to 30 September 2013
<i>Reports of Sustainable Communities</i>	
SCDD0079	Delegated Determinations
SCED0051	Minutes of the International Relations Development Advisory Committee (IRDAC) Meeting – 16 September 2013
<i>Reports of Creative Communities</i>	
CC130	Report to be Received – Australia Day Committee Meeting – 27 August 2013
CC131	Report to be Received – Reconciliation Committee Meeting – 17 September 2013
CC132	Report to be Received – Art Gallery Committee Meeting – 19 June 2013
CC133	Report to be Received – Heritage Advisory Committee Meeting – 19 September 2013
CC134	Report to be Received – Art Gallery Committee Meeting – 18 September 2013
CC135	Report to be Received – Australia Day Committee Meeting – 1 October 2013

Question

Cr Thomas referred to Item CCS010 - Confidential – Report to be Received – List of Accounts Paid Under Delegation to 30 September 2013. She noted on page 6 of the attachments under Staples there is a transaction for \$18,500 for a scanner, is that correct?

Response

Mr Davis advised that he would take this question on notice and provide a response in a briefing note.

Question

Cr Clune referred to item CC131 - Report to be Received – Reconciliation Committee Meeting – 17 September 2013, there was business arising around the Wicherina Dam and asked for further information?

Response

Ms Selvey advised that the Reconciliation Committee flagged the significance of that area and while the land is not under the management of the City but managed by the Water Authority the Reconciliation Committee suggested the City advise the Water Authority of the significance of this area and encourage some planning for that area to make it accessible and to record and interpret the heritage of the area and to improve the community amenity of that area.

Question

Cr Clune referred to item CC133 - Report to be Received – Heritage Advisory Committee Meeting – 19 September 2013, what is the Bringgo site in 2.16 in regards to?

Response

The Mayor advised that there was a question asked by one of the committee members about if it would be possible to have an area on that little loop road that could be used as a rest stop for people to admire the view. The Mayor then advised that he would forward the query to Mr Arbuthnot for an answer. Personally I think that it would be too dangerous for traffic coming in and out of that area as it is right on a hill, but as the question was asked I have referred it.

Question

Cr Clune advised that there is a public viewing spot on the top of the rise.

Response

The Mayor advised that he understood that but as the question was asked he referred it.

Question

Cr Hall asked if there was a native claim on the Whicherna site?

Response

Mr Melling advised that there are claims over the site. For clarification, the Shire of Greenough were working on a proposal that the Water Corp would eventually relinquish the reserve to what was the Department of Environment and Conservation (but is now the Department of Parks and Wildlife). The City intends to keep a regular dialogue with the new agency to keep it on their radar for the two government entities to look at the land transfer which would then facilitate the public access to the area

5 Councillor Questions Without Notice

Nil.

6 Confidential Business

Nil.

7 Meeting closure

There being no further business the Chairman closed the Agenda Forum meeting at 6.12pm.

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