



AGENDA FORUM - MINUTES

21 MAY 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.	5 - 2013
Meeting Date	21 May 2013		
Meeting Time	5.30pm		
Meeting Location	Chambers, Cathedral Avenue		
Attendees	<p>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 McIlwaine Cr N Messina Cr I Middleton at 5.35pm Cr R Ramage Cr R deTrafford Cr T Thomas Cr S Van Styn</p> <p>K Diehm, Chief Executive Officer P Melling, Director of Sustainable Communities C Wood, Director of Organisational Performance B Davis, Director of Treasury & Finance A Selvey, Director of Creative Communities N Arbutnot, Director of Community Infrastructure S Moulds, PA to the Chief Executive Officer <i>Meeting Secretary</i></p> <p>K Chua, Manager, Financial Services B Robartson, Manager, Commercial Property Development G Sherlock, Operations Manager C Budhan, Manager, Arts, Culture & Events M McGinity, Manager, Communications, Marketing & Tourism R Ellis, Manager Community Empowerment & Development A Van Der Weij, Systems Accountant, M Connell Manager Urban & Regional Development, B Grant – Sustainability Officer; A White, Development Compliance Coordinator R Smallwood, Manager Economy, Innovation & Technology J Ho, Co-ordinator Economic</p>	<p>By Invitation</p> <p>Member of Public 35</p> <p>Press 2</p> <p>Leave of Absence</p> <p>Apologies</p> <p>Absent</p> <p>Distribution</p>	

	Development P Radalj, Manager, Strategic Business Planning		
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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 N Bennett	27 June 2013	22 July 2013
Cr D Brick	23 May 2013	26 May 2013

3 Declarations of conflicts of interest

Mayor Ian Carpenter declared a direct financial interest in Item OP0045 Deregulated Trading Hours, as his son works for Queens IGA and Mr Rigter is a long standing client of the company he works for.

Cr Des Brick declared an indirect interest in Item TF060 St John of God Outreach Services Request for Exemption from Rates, as his clients may stay there.

4 Review of the Agenda Items for the forthcoming Ordinary Meeting of Council dated 28 May 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.

Petitions, Deputations or Presentations

The following presentations were made from:

Greg and Julie O'Mally of 5 Lands Edge Close regarding:

SC103 Objection to Notice Regarding Light Causing Nuisance – Lands Edge Close, Bluff Point

Mrs O'Malley presented to Council in respect of the lights causing a nuisance to her property and privacy which has also caused a great deal of stress. Mrs O'Mally requested that City acknowledge that the complaint is legitimate and that the sensors be modified to only detect movement on the above property and the security lights to be modified permanently. She also asked that the City consider adopting a bylaw for the future.

Question

Cr Gabelish asked if there is any need to review the bylaws, has this been suggested?

Response

The CEO advised that this will be reviewed.

Mr Leedham Papertalk, Bundybunna Aboriginal Corporation.

TF059 Bundybunna Aboriginal Corporation – Request for Rates Exemption

In Summary

Mr Papertalk addressed council regarding the request for a rates exemption and as they are unable to meet the rates and their Lawyers recommended that he approach Council. He advised that he can produce evidence on the Bundybunna farm. He advised that he has approached the Local Member Mr Ian Blayney and the Minister, but awaiting a response. They have applied for government funding, but were unsuccessful.

Mr Papertalk asked Council for consideration in assisting their rate payments.

Question

Cr Gabelish noted that Mr Papertalk advised of further evidence and asked if officers could have further discussion to see if there is any other information that may be relevant to this matter, and find out which Minister Mr Papertalk had contact with to retrieve more information for Council next week.

The Mayor asked which Minister Mr papertalk had been referring to.

Statement

Mr Papertalk advised that he has had e-mail contact, but didn't have information today, but could provide this to Council at the next meeting.

Response

The Mayor advised that he will be unable to do a presentation to Council next week. Only questions can be addressed at the Ordinary Meeting of Council. The purpose of Agenda Forums is for presentations.

This will be investigated further.

Question

Cr Hall asked Cr Messina if there had been any other issues relative to this occurring for this particular group in the past, over the period that they were involved with the then Shire of Mullewa.

Response

Cr Messina advised that there had never been an issue in the past.

Question

Cr deTrafford asked how many people/youth go through the cultural orientations/heritage programmes at the farm?

Response

Mr Papertalk advised Council of the cultural orientations programmes.

Significant Strategic Matters

OP0045 Deregulation of Trading Hours

Mayor Ian Carpenter declared a direct financial interest in Item OP0045 as his son works for Queens IGA and left Chambers at 5.45pm, the Deputy Mayor took the Chair.

Ms Ilene Jones, GM Rigtors Supermarkets Pty Ltd

In Summary

Ms Jones advised that as well as representing the three Super IGAs, she is also representing Glenfield; Kalbarri; Northampton; Dongarra; Utaarra; and Tarcoola. Ms Jones advised that the submission from the Geraldton Retailers Alliance is also being covered in this presentation, as their representative is in the Eastern States.

Ms Jones expressed grave concerns on the deregulated trading hours as it will impact on small, medium size retailers, their local suppliers, service support industries and community groups, together with the consumers. Also addressed the impact it would have on sporting and non-profit organisations.

Question

We currently, in the City of Greater Geraldton, are in the position where approximately 90% of retailers within the area are able to open extended trading hours. Why don't they?

Is there general overwhelming support for the City's proposed deregulation extension of retail trading hours.

1. Do consumers support?
2. Do the majority of businesses support it?
3. Does even the local member of parliament support it?
4. Do Sporting bodies support it?
5. Do our close neighbour towns support it?
6. Do the community groups support it?

She asked Council to reject the proposal.

Question

Cr Van Styn noted that IGA had raised the need to protect sport and non-profit groups but currently they account for some 90% of staff that are employed on a Sunday. He asked Ms Jones would you entertain closing your shop on Sunday to allow those staff to not work on a Sunday to play Sport?

Response

Ms Jones advised that it is not just a submission for IGA, as stated, but it is for all retailers, including the 150 members that are part of the Geraldton Retailer's Alliance. She advised that many of those people that work for them on those days, they try to take into account if they have some sporting function and they are not usually rostered on. They are given the opportunity to partake, and a lot of the younger ones, some of them who are trying to go to University etc, their parents may not be able to afford it. They are the ones that they try to nurture and try and let them gain their education by actually assisting themselves.

Question

Cr Van Styn noted the quote in the presentation that Albany recently rejected Sunday Trading. Looking across Australia that only leaves three cities in Australia and that one in a small sample has been highlighted. Carnarvon to the North could be a good example to choose, as well as the entire state of Tasmania, which has been deregulated since the 1970s.

Cr Van Styn asked Ms Jones what is her opinion that the rest of Australia has deregulated trading in some form or another, with the exclusion of Kalgoorlie, Albany and Geraldton.

Response

Ms Jones responded that Carnarvon above the 26th parallel and therefore governed by completely different regulations. Ms Jones referred to a person in the audience who could answer the reference to Tasmania and advised that she might leave that to him, as she understands that is not quite correct.

Mr Jody Beven, President, Mid West Chamber of Commerce & Industry.

In Summary

Mr Beven reminded Councillors that this is not the first time deregulated trading, or extended trading hours has been considered by Council. Each time it does, it consumes tens of thousands, possibly hundreds of thousands in costs, resources, and lost productivity amongst staff, business owners and volunteers.

There was no basis for this original motion, there was no new survey, no new consultative report, no new data, or nothing factual, of any kind to support what has been a waste of a lot of time, resources and money.

Mr Beven acknowledged that there had been a terrific consultation period and acknowledged the efforts and the work put into it and the cooperation extended by the City staff, in particular Ms Andrea Selvey, Director of Creative Communities, and how she worked with the Chamber's retail sub-committee.

Mr Beven referred to the council agenda item where the results were provided on the survey outcome undertaken by the City.

The Chamber felt that the Officers report didn't address, in any detail, the substantive issues raised by the businesses or substantiate the comments purported to support deregulated trading hours.

Mr Beven referred to the evidence that you have to provide to the Minister regarding the support:

- Consultation with local trader organisations – thinks it is pretty clear what the business have told you.
- Tourism interests – haven't even got a majority there.
- Local members of state parliament – submission from local politician against the motion.
- Local Community – haven't got a majority.
- Groups/Associations – opinion is quite clear.
- Likely to impact on nearby retailers – understand there are 8 submissions from areas outside of the Geraldton area - there is an impact.

The Chamber recommended the following resolution for Council:

Option 1 – submitting the application, there is no basis so it has to be rejected.

To promote local investment and expand employment, the local business community requires stable and consistent policy and a regulatory environment on which to operate. This would detrimentally impact the City and defers consideration of this matter which is covered in option 3. Or arbitrarily consider alternative option.

Option 2 is the only available decision.

The Chamber represents a Moratorium.

The Chamber recommended the following amendment to Option 2:
Resolves to:

Receive the two petitions on deregulation of trading hours.

Not submit an application to the Minister of Commerce for the deregulation of trading hours in the City of Greater Geraldton region for the following reasons:

- a. the deregulation of trading hours does not have demonstrated support of the Greater Geraldton community.
- b. The City of Greater Geraldton consultation processes demonstrate a substantial majority of retail businesses in Greater Geraldton are opposed to deregulation of trading hours.
- c. The City of Greater Geraldton's Consultation process demonstrates the substantial majority of sporting and community organisation respondents are opposed to deregulation of retail trading hours.
- d. Business community has expressed a majority opinion, that the deregulation of retail trading hours shall adversely impact on consumer choice, financial viability of a significant number of local small to medium retail business across the City.
- e. Deregulation of retail trading hours is contrary to the recommendations of the City's own consultants Pracys in their September 2009 report Economic Impact of Deregulated Trading Hours.
- f. Place a Moratorium for a period of 5 years on council endorsement of future requests for extended retail trading hours, which do not have clear and prior evidence of the support of the majority of retail businesses within the City of Greater Geraldton, except for extended trading hours that fall on specific days as agreed with the Mid West Chamber of Commerce & Industry.

The Deputy Mayor thanked for the Chambers for their time and effort put into their own survey and to the City's survey.

Question

Cr Ashplant asked Mr Beven what was the percentage of Chamber members that voted in their survey?

Response

Mr Beven advised that between 17% and 18% for the Chamber Survey. 170 out of their membership of 750 – just over 70% were in opposition.

Question

Cr Fiorenza referred to the presentation given by Mr Beven on the argument of choice, and said what he thought would be beneficial is to understand the nuts and bolts when you talk about the viability of businesses and there would be no viability for some businesses and consumer choice. He asked if Mr Beven could elaborate on this.

Response

Mr Beven advised that he has 16.5 years experience in Geraldton. The Federal and State government have their issues. The business community is hurting. There are a number of people that look for assistance – there is no doubt that there is a financial impact. Mr Beven referred to the point made that a handful of business can't open Sunday – if it was worthwhile they would open. It has been tried on a number of occasions. Results are the same.

He stated that even though people may like to shop on a Sunday, would they ever shop on a Sunday?

Question

Cr Fiorenza referred to the multi-nationals – how big a threat are they if deregulation takes hold?

Response

Mr Beven responded that there is a duopoly across Australia – do we want to see that extended here? No. Is it a free market – yes it is, but it is not a free market on a level playing field. The nationals still operate under a different pay system. They have more flexibility and there are different awards compared to the National and state awards.

Do we want to see less shops around the CBD? Just by opening doesn't mean they people will come to the City Centre.

Question

Cr Van Styn referred to the idea that local shops are somehow operating under a different award, should they be incorporated companies, then they can indeed operate under the same awards that Woolworths and Coles operate under. There is one federal system, currently WA hasn't signed up to that and runs the dual award. Can you research that and hopefully remove it from the argument as it is false and misleading.

Response

Mr Beven advised that is not his area of expertise, but would be happy to provide information on this.

Question

Cr Van Styn referred to the businesses that are struggling here on Sundays. If you say there is no trade on Sundays then why is it we continually are here to protect the interest of those that do trade on Sundays. If it was unprofitable surely they would be closed.

Response

Mr Beven advised that some traders are happy with a certain level of trading, maybe because of what they sell, so they operate and do trade. Mr Beven advised that he 'stands here' on behalf of the chamber and the survey that they did. He advised that he is not protecting anyone and refutes that argument.

Question

Cr Middleton referred to the suggestion of self-service favoured by multi-nationals would result in a loss of jobs, viability for the City. By deregulating trading hours the multi-nationals would gain a larger serve of the market. Would that necessarily be a loss of jobs – or just a change? For example, more jobs in the security sector where people are hired to guard shops from theft.

Response

Mr Beven advised it is not something he can answer succinctly. The point was that the self-service is more favoured. More goes towards the propensity of the larger stores to employ younger staff who are not necessarily trained or skilled. If you want to get help during those hours the service is not going to be the same. A lot of the stores can operate as they have local or smaller particular goods. Deregulation of trading hours is for the larger stores if they move into those markets, the smaller stores won't be viable and will lose more choice, therefore more empty shop fronts around town.

Question

Cr Gabelish referred to the Survey – 170 businesses submitted to the MWCCI survey on survey monkey. Noting that there were 170 submissions to survey monkey, not 170 businesses that submitted to the survey – he asked Mr Beven to clarify that?

Response

Mr Beven advised that he didn't have the detail with him, but it was done to the members of the Chambers and had 170 responses. Whether that was 160 businesses, but advised that he couldn't answer the question directly.

Question

Cr Gabelish advised that he understood from the survey that there wouldn't be any way to identify whether it was 20 business or 170 individuals that submitted submissions to the Chamber's survey monkey.

Response

Mr Beven advised that no and was not sure if they could pull that data in terms of the individuals.

Statement

Cr McIlwaine stated that Cr Gabelish is correct, but that aside, the City has subsequently undertaken its own survey.

Question

Cr Gabelish referred to the previous Council meeting that there was no transparency in the Chamber's survey as they couldn't identify whether any respondents were a business, or whether they had 20 submissions from one person, there was not transparency and therefore any of the results accrued from that are fudgeable.

Response

Mr Beven advised that the MWCCI have a couple of staff and at the time the CEO had left and were aware there was closing date for submissions. They got to the point to see if they could hang on and wait to see if they had the time and find time for volunteers to do a survey, analyse it and then make a submission – they had to make a call. Mr Beven advised that their survey is not covered in the Officer's report. The City's survey, which was robust, did have several issues that were raised. He has every faith in the City's survey.

81% of businesses completed the City survey and their presentation is based on that.

Question

Cr Gabelish noted that the Chamber wrote to the City asking why the City were doing the survey when the Chamber had done one and it is not required. He ask if the Chamber were now saying that it was required in the way in which the City undertook their survey.

Response

Mr Beven advised that the Chamber thought at the time it was robust, some suggested it was biased. The survey figure of over 70% respondents, whatever business/industry they were in, affected by it or not, they voted against it.

Question

Cr Gabelish referred to the mention of free enterprise. A lot of the debate seems to be based around keeping the big players out of Geraldton in terms of any further extension or any further market share they were able to procure if they came to Geraldton. Whether the City didn't look at deregulation – and the purpose of that is to keep them out of town, whether it is putting Council in the situation where we are basically providing a protectionist regime for retailing in Geraldton and in respect of the free enterprise how that would be viewed by Mr Beven or the Chamber.

Response

Mr Beven advised that from the MWCCI's viewpoint is that the attraction to larger other national business to any part of the CBD would be welcomed if there was a business case. Not stopping Woolworth or Coles, they have their market share, they are saying they have enough of the market share. The Chamber wants to support local businesses that support the community. If some businesses want to come to town because they are going to trade on a Sunday for a specific area, please discuss with the MWCCI

Question

Cr Messina said it seems that the chamber wants their cake and eat it and trying to keep everybody out. City is trying to have a look for the rest of the community if there is a chance, at some stage, if they want to trade on a Sunday. We know there is a demand out there and do know that shops that open are taking all the profits, and on a Sunday they are flat out and full, can't get near them. Is the Chamber trying to protect them? Cr Messina advised that he has yet to make a decision. Cr Messina advised that Council are here for the community.

Response

Mr Beven advised again that he is not here to protect anyone – he is the elected representative of the business in this town, and they have sent him a clear message that this is not viable. Mr Beven referred to the Economic – 2029 project – and advised that what is being talked about is something that

is not financially sustainable and does not fit in the economic plan. There is no evidence that the community wholly support this.

Mr Beven referred to the Social impact in the report. Community groups that are against it – where is the social fabric of this town going.

Mr Colin Dymond, Level 1, 5 Chapman Road, Geraldton

Question

If the Council are considering voting on deregulation how do they believe they are representing rate payers when all surveys carried out no matter what the spin the writer of this item puts on it, it is opposed by the majority. Mr Dymond asked all Councillors to consider this when making their vote.

In the 3 options provided in the item for deregulated trading hours why under option 2 and 3 there is a requirement to give a reason not to support deregulated trading however if the councillors chose to support if they don't have to give a reason?

Response

C Wood advised that it will be amended for the Council Agenda.

David Perks, George Road - McDonald wholesalers

Statement

Mr Perks referred to the comment of an equal playing field. Advertisements on TV currently where a multi-national are selling kraft vegemite for \$6 a unit. Mr Perks advised that he had been the Kraft agent in Geraldton for 33 years. He advised that he spends more money with Kraft than anyone else, including the multi-nationals in this town. He advised that it costs \$6.75/unit, yet they can sell it for \$6 and still make a profit. That is where the unfair playing field is. We do not have the purchasing power against these multi-nationals and that is where they bugger up all the little blokes.

Question

Cr Van Styn asked how 7 days trading affects the pricing of goods?

Response

Mr Perks said why wouldn't it.

Question

Cr Fiorenza referred to etiquette at the Agenda forums. Is it appropriate for a Councillor to say or use the term 'we' when talking about a decision that has not been made by the Council yet.

Response

Cr McIlwaine advised that the role of the Agenda Forum is to discuss and ask questions, it is certainly not to vote or indicate a preference

Mayor returned to Chambers at 6.29pm and resumed the Chair.

SC106 Adoption of Draft Public Open Space StrategyQuestion

Cr Bennet sought clarification on the report. He commented on a couple of things that were not included and why they wouldn't be there. It doesn't talk about crown land or council land, but referring to State instrumentalities land – for regional conservation areas, particular Watercorp's Witcherena dam.

Cr Bennet also referred to Byne Park which wasn't in there, which is a significant small regional park.

Response

Mr Melling advised that that the Strategy is looking at the local open space components instead of the regional open space requirements for the region. At a state level it hasn't been adequately addressed. Land in the metro areas is dealt with under the Metropolitan region scheme. There is a funding source for the WA Planning Commission to acquire the land through a metropolitan improvement tax. There is no such legislation in the region. It has been hotly debated in Bunbury and yet to be resolved. POS strategy focuses on the space that the City can deal with under the Town Planning Act.

Question

Cr Bennett referred to the Byne Park.

Response

Mr Melling advised that with the POS Strategy – some areas that have biodiversity value are treated separately through the process.

Mr Connell added that the intent behind the open space strategy is to deal with the residential areas that require 10% public open space under liveable neighbourhoods. The funding wasn't there to address rural areas.

Question

Cr McIlwaine noted the recommendation is to adopt and put out for public comment. There are detailed maps of the spaces. The legend which has 8-10 items on the bottom is not clear what they represent. Cr McIlwaine asked that a description be added so people understand the different classifications?

Response

Mr Connell advised that in the document it explains the hierarchy that was adopted. A separate legend with more text – which will be a standalone page - will be added.

Question

Cr McIlwaine asked what *residual areas* means?

Response

Mr Connell advised that it is what the City is to potentially dispose of.

Question

Cr Middleton referred to part of the document that relates to the Central Greenough area - have the people running the the central Greenough Hamlet be consulted and how it would impact them?

Response

M Connell advised that this was in the residential strategy and not the Public Open Space Strategy.

Question

Cr Bennett referred to Page 46, under Walkway in the attachment – it comments that '*Mullewa consists of*'

Response

P Melling advised that this will be corrected.

SC107 Final Adoption of the Residential Development StrategyQuestion

Cr Middleton referred to part of the document that relates to the Central Greenough area - have the people running the central Greenough Hamlet been consulted and how it would impact them?

Response

P Melling advised that there had been no discussion at Greenough Hamlet – but through the governing body, the National Trust, there has been a lot of discussions in previous years about trying to increase the vibrancy of the Hamlet. It is early days. There is no quick fix, it will involve a lot of discussion and negotiation as time progresses.

SC108 Final Adoption of the Commercial Activity Centres Strategy

Nil.

Audit and Risk Management

Nil.

Strategic & Policy Matters

OP0043 Geraldton City Centre Vibrancy Policy & Strategy

Nil.

TF061 Disposal Of Freehold Land - Lot 3062 – (53) Cathedral Avenue (SGIO Car Park)

Question

Mr Colin Dymond referred to his question back in 20 November 2012 about the logic of looking to sell the SGIO car park which has now come to the agenda again.

His concern is that and he is unable to compare this current agenda item with the last, i.e. it has just been cut and pasted from the previous item TF061, as it has been removed from the agenda all together only the questions asked by himself and other councillors remains. How can this allow for correct review of the item even though it was subsequently withdrawn from the following council meeting? Surely it must stay as a record of reference to questions asked.

Response

Mr Davis advised that the Item was withdrawn from the final agenda and the current item is a new item. The item was withdrawn at that time as it was pending release of the parking strategy. Therefore this item is just a new item.

Statement

Mr Dymond was concerned there was no reference to the item TF061, even though his questions and the City's responses were published in the Minutes of the Agenda Forum of 21 November 2012.

Response

The Agenda Forum agenda is only a draft agenda, the item was not included in the final Agenda which is published the next week.

If the question was raised in public question time, which is at the beginning of each Council meeting, there would be a record of it.

Mr Diamond will be sent a copy of the item for his information.

Question

Mr Dymond said that the constant suggestion that Beaurepairs car park will counteract the sale of the SGIO car park does not hold water as we know from the design that the increase in bays is only 1, is this not true?

Response

Mr Arbuthnot advised that that was one of the plans drawn up and the plan is under total review. This is not the final plan. Meetings are being held with various property owners in the area. Whilst Mr Dymond is correct, it is not the plan going forward.

Question

Mr Dymond referred to his previous question as to the income received and the non paying of parking fees, has there been a review of these items and has it changed from the previous presentation in November?

Response

Ranger activity for parking has been increased in the CBD to increase enforcement of parking fees.

Question

Mr Dymond noted that previously the item was listed as a significant strategic item now it's listed as a strategic & policy matter, can this be clarified?

Response

Mr Davis advised that the item was deferred pending the strategic plan for parking. The strategic plan said that the site was not suitable for a multi deck development, so it stopped being a strategic issue as it is not suitable for that form of development

Statement

Mr Dymond drew Council to the parking policy which came out in February 2013. It said that the City of Greater Geraldton does not have a parking supply problem, but a management problem. Parking is not controlled effectively and in line with the City's strategic plan. Mr Dymond would like to think that the SGIO car park is a strategic and significant car park to the City of Greater Geraldton and better management and use of that would preclude it being sold. As the consultants said, if it is to be sold, it should be sold to purchase another car park, not for the retirement of debt.

Question

Cr Van Styn asked that since the item last came to Council has there been any variation in expected gross proceeds receivable from the sale of this land i.e. evaluation?

Response

B Davis said that there no new valuations. There were several valuations done at the time – one was very high, one was more modest. The view would be that it would still be somewhere in the middle.

Question

Cr Van Styn referred to the offsetting of car parking at the Beaurepairs site. If we are then take into account the loss of car parking bays on private property where the Stirling's Centre is getting redeveloped, would the City end up with a net loss in car parking bays, should the City dispose of the SGIO block?

Mayor advised that this was getting into debate. The comment was noted.

Question

Cr McIlwaine referred to page 40 where it talks about the bays and the historical revenue; he noted that by his calculations it comes to something like \$40,000 per annum. Stirling centre has had upwards of 53 bays for the last two/three years in that gravelled area. This is now a development building site, is any consideration being given on the likely income being made out of the car parking at SGIO car park, now it is fully utilised?

Response

B Davis advised that this hasn't been examined, the City hasn't looked at growth specifically. Looked at the potential in the parking strategy for a multi deck development on the Beaurepairs site. There is a debt on the SGIO land and is not generating enough money currently to service the debt properly. Therefore it is being subsidised fairly significantly.

Question

Cr McIlwaine asked that officers do look at the potential growth and increased revenue likely to come from the SGIO car park when it is fully utilised.

Response

B Davis advised that this will be done.

M Melling clarified that even though the temporary car park is out of use, they are not developing the total site and there will be car parking with access on to Chapman Road.

Mr Connell advised that in total there are 155 bays in Stirlings. With the formalisation of the development there will be more bays opposed to a gravel area, which is not lined marked, where cars tend to space out a bit more. Capacity will be increased with the development.

Question

Cr McIlwaine asked for a Briefing Note that gives some schematics of what is proposed on the Stirling site and likely number of bays available.

Response

This will be provided.

Question

Cr Gabelish sought clarification to the report where it referred to Beaurepairs, and the offset of parking bays, saying - that is what we were looking at – now looking at something else – is that correct?

Response

N Arbuthnot that yes it was correct.

Question

Cr Gabelish asked if it was provided in the report or would a Briefing Note be provided to Council with the additional information.

Response

N Arbuthnot advised that he would provide a Briefing Note to Council on the updates.

Question

Cr Gabelish noted that it was withdrawn last November 2012, and also requested a copy of the Item, now being resubmitted in May 2013. He is not seeing why it is being put back into the Agenda?

Response

B Davis advised that it was withdrawn pending the parking strategy – the strategy has now come forward, which has been reviewed – there is no reason to keep it and it is not suitable for deck development therefore brought back to Council for consideration for sale.

Question

Cr Gabelish referred to Page 41 - it says that the report remains silent on the effectiveness of the car park. He is still struggling with why this been put up for disposal, when the report is silent.

Response

B Davis said that the report says it is not suitable for further development of multi deck, but the item will be updated to add further information.

Question

Cr Gabelish noted that it wasn't useful as a multi deck car park, but there is no information that relates to the effectiveness of it as a ground scale car park.

Response

The report will include additional information.

Question

Cr Hall asked if it is within the relevance of this Council to put conditions on, should it go to sale, to deem it to be in its retained state as a car park? As anything could happen to it, and the City would be hard impressed for parking.

Response

B Davis advised that no conditions could be put on the sale.

Question

Cr Thomas observed with the Stanford car park – it seems to be a lot of City workers car park now – is the City now taking up the Stanford car park and if so how many bays are in there, and how many bays are the City workers taking up in that area.

Response

N Arbuthnot advised that City staff were moved from the car park at the rear of the offices on Cathedral Avenue to other areas, being behind QPT and the area was down at the car park on Stanford Street, which was always nominated for staff car parking. This was to maximise the use of the car park are the rear of the administration building for council operational vehicles.

N Arbuthnot will provide the exact numbers in a Briefing Note.

Question

Cr Ramage referred to the comment made by Mr Connell on the number of parking bays in the new development. Cr Ramage asked if it is correct that there is no guarantee that they will remain there, as they can build over those at a later date?

Response

P Melling advised that Development Approval has been given on the basis of the number of bays provided. The only way that they can take those bays away is if they were to submit another development application, which would then be duly assessed as to whether the bays could be reduced.

Question

Cr Ramage noted that they are only required to provide 'x' number of bays per m² of development, so you cannot say you can't have any more shops there.

Response

P Melling advised that they have Development Approval which shows that number of bays and that is how their application has been dealt with. A fresh application would have to be submitted if they want to add more shops, with a formal assessment made at that point. They are providing over and above the number of bays compared to floor space.

Question

Cr Gabelish referred to the Government Departments identified car parking bays at SGIO car park, how many of those government vehicles are using the car parking bays and if we were to dispose of the car park, where would those cars likely to park? Can we get that information?

Response

B Robartson referred Page 40 – 3rd para of the background – currently have 99 bays of which 19 bays have a licence arrangement with the Department of Water which expires 31 October 2016, so any sale would have a condition.

Question

Cr Gabelish clarified that the 19 car parking bays are for the Department of Water. There are a number of government agencies using the SGIO building is the City saying the only nominated car parking bays are for the Department of Water.

Response

B Robartson advised that the other agencies did have previous licences which have long expired.

They are currently not being charged. Only allocated 19 bays under the current licence and pay \$63.40/month on that licence.

Question

Cr Middleton referred to the Agenda Forum Minutes of 20 November – and notes the questions from Mr Dymond regarding the car park, which were taken on notice, but as the item was withdrawn from the final agenda, were those questions not answered?

Response

The questions would have still been answered. We shall ensure Mr Dymond has received the responses required.

Question

Cr Gabelish asked in terms of the rental the City gets for the 19 bays, \$63.40/month per bay, so on average \$3/day. In terms of rates for all day parking, what is the fee?

Response

B Robartson advised the rate is \$7.00 / day

Question

Cr Gabelish if the City has a parking station where there is a charge of \$7.00/day. Why is the City charging \$3.00/day in this car parking bay for all day parking?

Response

B Robartson advised that this was agreed by Ranger services when the licences were put up. VSA properties were the agency dealing with the government agencies there and that has been locked in until they expire in 2016.

TF059 Bundybunna Aboriginal Corporation – Request For Rates Exemption

Question

Cr deTrafford asked if this item could be discussed in confidential business as his question related to the confidential attachment.

This was agreed to and would be discussed at the end of the meeting.

SC103 Objection To Notice Regarding Light Causing Nuisance – Lands Edge Close, Bluff Point

Question

Cr McIlwaine asked that should the executive recommendation be moved and objection dismissed, what will be the next action taken.

Response

Mr Melling advised that the next action is that a Notice will be issued to the particular land owner concerned. At that point that landowner has a choice to comply with the Notice or take the matter to the State Administrative Tribunal for review.

Question

Cr Gabelish referred to Ms O'Malley's presentation and the solution from her perspective of limiting the light to the boundaries of her property. If it was to go through as the executive recommendation is that the type of compliance notice that these neighbours would be receiving?

Response

Mr Melling advised that the centre of the matter is to get those lights to stay within the property and the sensors are set that way so as not to be triggered by people walking or driving past.

Question

Cr Thomas asked it was normal for this request to come to Council, if so could Council then become a dispute resolution service?

Response

M Melling advised that this is the first time this type of issue has come to council. Looking under the legislation, there is no head of power under the legislation for it to be delegated down to Officers, therefore it is a decision of Council.

Question

Cr Thomas said as a result Council will now become a dispute resolution service?

Response

M Melling advised that looking at the compliance, this is the first time that one has gone to this level. It is usually resolved through the process. It is only because of this specific matter that Council are dealing with it.

There are a multitude of actions that are undertaken in the compliance area, and hope that Council wouldn't get too many of these in the future. Whether there is any other mechanisms that can be looked at in terms of whether is a local law that can be developed so this type of matter can be dealt at administrative level.

Statement

Cr Hall asked Council if they have the opportunity to drive past the area – and advised that it was really nothing untoward.

SC104 Final Adoption Of Local Planning Scheme Amendment – Residential R40, Wandina

Nil.

SC105 Proposed Closure And Realignment Of A Portion Of Minnenooka Road, WalkawayQuestion

Cr Clune noted that report states that the Council initiated this action – did this come from any bodies to highlight it to Council?

Response

N Arbuthnot advised that it was a result of the realignment of that section of road, which has created some concerns for many years. There were a lot of issues raised from the school bus and operators in the area.

Question

Cr Clune asked if any road counts had been undertaken?

Response

N Arbuthnot advised not in recent times. The works are being carried out because of a safety issue. There were also issues with vehicles getting around a 90 degree bend and then up the hill.

Question

Cr Clune asked if the the land has to be acquired to undertake the realignment.

Response

N Arbuthnot advised yes and is being handled through the City. The City is not handling itself.

Question

Cr Clune asked for the total cost of the project, as well as the land acquisition.

Response

N Arbuthnot advised the total cost of the project in the 2012/13 budget there was an allocation of \$500,000 and for the following year – being 13/14 – there was another \$500,000 allowed, therefore costing about \$1million.

Question

Cr Clune asked if this would include project management?

Response

N Arbuthnot advised yes and is confident it can be completed for that figure.

Question

Cr McIlwaine referred to when items of this nature have come to Council before there is usually a rate per sq mtr on the land that is being acquired. He noted in the Background section of the report that the road to be closed is 7,800 – and the road reserve that we are shifting to is 8,900 – so there is a 15/20% portion of extra land that this proposals requests and notes that there is no comment done on this in conjunction with the landowner or being recompensed for the variation in area?

Response

M Melling advised that the City is looking at closing one section of the old road reserve, creating the extra land area because of the nature of the way the road was designed and it was simply a negotiation between that landowner for a land swap between the two land parcels at nil cost.

CC107 Creative Community Plan and Policy

Nil.

CC108 Disability Access and Inclusion PlanQuestion

Cr Ramage asked if this will include existing buildings?

Response

M Melling advised that with the reference to private buildings, the situation with private building is that they are governed through the relevant legislation that ties through the building code. That normally only comes into effect when there is refurbishment or significant works on the building, which brings about the need to comply with the higher standards.

Operational Matters

OP0040 Voting Delegates For The 2013 WA Local Government Association (WALGA) Annual General MeetingQuestion

Cr Gabelish queried Page 77 and the approximate costs for sending a delegate for the one day AGM. Is this correct?

Response

This is for the period of the conference. C Wood will update the Item. There is no cost to attend the AGM.

OP0041 Application for Freedom of Entry to The City Of Greater Geraldton

Nil.

OP0042 International Relations - visit to the City of Bukittinggi

Nil.

OP0044 Delegations to The Chief Executive Officer

Nil.

TF060 St John of God Outreach Services Request For Rates Exemption

Cr Des Brick declared an indirect interest in Item TF060 St John of God Outreach Services Request for Exemption from Rates, as his clients may stay there, but was not required to leave the meeting.

TF062 Triennial Recurrent Grant AllocationsQuestion

Cr Gabelish referred to the guidelines noted the Minutes of meeting and asked that the grant guidelines be updated to reflect that charitable events with the sole purpose to raise funds for distribution, he thought there was a – typo – back into the ‘organisation’, he said it should be back into the ‘community’. It hasn’t made it into the report.

Response

This will be reflected in the agenda report item and updated in the minutes.

CI044 Flores/Place Road Intersection Appropriation of Funds And Contract Variations.

Nil.

CI045 RFT29 1213 - Construction of Cell 3 At Meru Waste Disposal FacilityQuestion

Cr McIlwaine asked what consultation has been undertaken taken with the tenderers? He noted that the tenders closed on the 18 January as there was an urgency to getting it done. And we are now in May recommending to reject the tender.

Response

N Arbuthnot advised that the tenderers had been asked to extend the valid time for the tenders as the City were having issues on where to go with the Cell. Issues were raised by each of the tenderers at the interview stage, which have been investigated and have now been completed. There are some changes to the scope of works that need to be placed in the document, for the City to get the maximum potential from that site.

Question

Mayor asked about the wind-blown litter and what additional measures will the City be imposing?

Response

N Arbuthnot advised that it was management practices in the first instance on how the site is managed. Reducing the actual tipping face, having adequate material covering the waste. It gets back to the supervision of the site and how it is run. General last line of defence is having some robust portable fences that can be moved around to control wind-blown litter.

Ensuring there is a permanent emu bobbing [hand-picking] operation going on out there and to ensure there is suitable equipment and improvements on the general operational performance of the site. The site does require significant improvement.

Cr Gabelish left chambers at 7.20pm

Cr Gabelish returned at 7.22pm

CI046 RFT52 1213 - Supply Of Underground Storage And Infiltration Components For The Storm Water Harvesting Project

Question

Cr McIlwaine referred to Page 111, financial implications, mentions the funding contribution of \$3million from the Department of Sustainability and Water and notes the executive recommendation not to award the tender, therefore what happens with the funding.

Response

N Arbuthnot advised that in relation to the funding from the Federal Government the City has received two lots of funding for milestones 1 and 2, not received for milestone 3. Milestones 4, 5 and 6 were placed in the 13/14 - 14/15 budget for the government, whether it stays there or not over the next few months is a matter of conjecture. The City currently has an application before them and has asked if the funding will carry over. As that will have an impact on ultimately what we decide to do with this particular project. If indeed the funding is carried over we will be able to come back and give Council some alternatives in relation on how to go forward.

Cr Brick left Chambers at 7.24pm

Cr Brick returned to Chambers at 7.26pm

Question

Cr Hall asked if the \$3m covers the total projects.

Response

N Arbuthnot advised that the \$3m does cover the total projects.

CI047 RFT53 1213 - Construction Of Stormwater Harvesting Infrastructure In CBD/Maitland Park

Nil.

CI048 RFT54 1213 - Construction Of Stormwater Harvesting Infrastructure For The Geraldton Central 1 Sump Network

Question

Cr McIlwaine asked the location of sump 1

Response

N Arbuthnot advised that it is at Kelly Street and Waldock Street – the proposal for that was to pump up to the tank at the Sydney memorial and be able to use that water instead of scheme water.

Question

Cr McIlwaine noted page 118 under social – says that this will provide quality water at Eadon Clark sporting complex – is that a typo?

Response

N Arbuthnot advised that the report will be amended.

CI049 RFT55 1213 – construction of storm water harvesting Infrastructure In The Webberton/Spalding Sump Network

Nil

CI050 RFT58 1213 – Construction Of Storm Water Harvesting Infrastructure In Olive Street

Nil.

Reports to be Received

<i>Office of the CEO</i>	
CEO026	Council Resolutions to 23 April 2013
<i>Reports of Treasury and Finance</i>	
TF063	Statement of Financial Activity for the Period Ending 30 April 2013
TF064	Round 12 Grants Meeting Minutes
TF065	Delegated Lease Approvals
TF066	Confidential Report – List of Accounts Paid Under Delegation
<i>Reports of Sustainable Communities</i>	
SCDD074	Delegated Determinations
<i>Reports of Creative Communities</i>	
CC109	HMAS Sydney II Memorial Committee Meeting Minutes
CC110	Public Art Advisory Committee – Minutes 13 March 2013
CC111	Heritage Advisory Committee Minutes 24 March 2013
CC112	Seniors Advisory Committee Minutes 13 February 2013
CC112	Attachment A - Senior Advisory Committee – March 2013 Report
CC112	Attachment B - Senior Advisory Committee – April 2013 Report

Question

Cr McIlwaine referred to TF65 – Delegate Determinations – regarding the lease for Europe car – previously when this came to Council a reasonable amount of time was spent on this about getting the lease to all a certain consistency. But this one not only has been reassigned, but is looking to reduce from 25 to a 5 and 5 option?

Response

B Robartson advised that this relates to a former lease with Apolaustic Pty Ltd franchisee of Europe car and the franchisee CLA trading – Mr Robartson was advised that there is no authority, under the former lease, to have that with the company, but with the new lease with Europe car and CLA trading Propriety Limited is that they required and requested a 5 years lease with a 5 year option, which will be consistent with the City's lease policy and consistent with the other car hire leases.

Question

Cr Gabelish referred to CEO26 Council Resolutions, page 2 – Lease for the Geraldton Data centre at the technology park – is there a reason for the change to 1 September?

Response

B Robartson advised that the request came in from the new lessee – seeking that date because at the moment all the City will be leasing is a paddock. Construction cannot commence of any development as there is no road. Chose the date of 1 September.

Question

Cr McIlwaine noted to Ms Selvey the item referring to the Clipper which states it is awaiting decision.

Response

A Selvey advised this will be updated.

Question

Cr Clune referred to Page 5 and asked for an update on CC091 – status ongoing – and would think it is completed.

Response

A Selvey advised this will be updated.

The Mayor asked Councillors to send questions on the Council Resolutions report via the Cr help desk and a response will be provided. If they would like a response to all councillors, they are to include all councillors in their incoming request.

The meeting went behind closed doors at 7.30pm to discuss the confidential attachment of the following item.

TF059 Bundybunna Aboriginal Corporation – Request for Rates Exemption

5 Councillor Questions Without Notice

6 Confidential Business

7 Meeting closure

There being no further the meeting closed at 7.39pm

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