



AGENDA FORUM MINUTES

15 NOVEMBER 2011

Departmental Guideline for Agenda Forums

Council Forums

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

Regular forums run in local government's 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 Name	Agenda Forum	Meeting No.	1 - 2011
Meeting Date	15 November 2011		
Meeting Time	5.30pm		
Meeting Location	Chambers, Edward Road		
Attendees	Cr Hall Cr Bylund Cr Middleton Cr Fiorenza Cr Thomas Cr Brick Cr Van Styn Deputy Mayor Cr McIlwaine Cr Bennett Cr Gabelish Cr Messina Cr Ramage Cr Ashplant Mayor Ian Carpenter Tony Brun, CEO Bob Davis, Director of Commercial Enterprises Cheryl Wood, Director of Corporate Services Phil Melling, Director of Sustainable Communities Neil Arbuthnot; Director of Community Infrastructure Andrea Selvey, Director of Creative Communities Officers Kim Chua, Manager of financial Services	By Invitation Member of Public Press	1
		Leave of Absence	Nil
		Apologies	Nil
		Absent	Nil
		Distribution	As Above

1 Declaration of opening

The presiding member opened the meeting 5.32pm

2 Apologies/leave of absence (previously approved)

Existing Approved Leave

November	From	To (inclusive)
Nil.		

3 Declarations of conflicts of interest

Nil.

4 Public Questions

Presenter	Details	Agenda Item Reference

5 Review of the Agenda Items for the forthcoming Ordinary Meeting of Council dated 28 June 2010

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

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

Nil.

5.2 Public Questions in Relation to the Agenda

Nil.

5.3 Councillors Questions With Out Notice in Relation to the Agenda

Nil.

REPORTS OF THE CHIEF EXECUTIVE OFFICER

CEO002 Improvements to Doctor Housing Mullewa

Question from Cr Hall

Cr Hall asked if there was any value to the statement “offers a guaranteed service for at least 10 years”

Response

The CEO advised that there is no binding contract.

Question from Cr Clune

Cr Clune enquired as to how the Doctor is received by the Mullewa community?

Response

Cr Messina confirmed that the doctor was very welcome in Mullewa, and that he is positive for the Community.

Question from Cr Ramage

Cr Ramage asked why there was a need for two units?

Response

The CEO advised council that the previous accommodation was not big enough for a family or for a visitor. It is not for a surgery.

REPORTS OF CORPORATE SERVICES

CS033 Re-Establishment of Council Committees

Question from Cr Gabelish

Cr Gabelish queried the process that was used in electing members for the committees? Cr Gabelish also stated that where you have Council Champions this should lead into the committees that councillors are nominated for.

Response

The CEO advised that the process was purely nominations from Councillors. Where there are more than two Councillors nominated for one committee an election will be required.

Nominations are still welcome, and will still be open on the 22 November at the meeting.

The Champions roles have been revised to ensure that they are still relevant.

Question from Cr Bylund

Cr Bylund queried as to when nominations were sent out, as he had not received any information.

Response

The CEO stated that he was unaware of any issue regarding the distribution of information to Councillors.

Cr Hall stated that he has not been receiving any of the information either or any emails from the City and suggested that a test email be sent out to all councillors to make sure that they are receiving emails.

Question from Cr Middleton

Cr Middleton wanted clarification on the Council Committees and the Council Champions relationships.

Response

The CEO stated that there are some synergies between Council Committees and Council Champions, so councillors are welcome to nominate for committees that relate to the champions if they wish.

The CEO stated that all nominations are to be forwarded onto the Executive office or to Sheri for the Council Meeting on the 22 November.

Question from Cr Gabelish

Cr Gabelish stated that it would be more logical if the Council Champions were elected before the Committees to ensure that Councillors can nominate for Committees that relate to the Champions if they wish to do so.

Response

The CEO accepted that comment and advised that the agenda will be reviewed to reflect that.

Question from Cr McIlwaine

Cr McIlwaine queried if these Champions were still appropriate as they were institutionalised pre amalgamation, and if they should be carried on?

Response

The CEO stated that research had not been done on the Champions and that they were carried forward from the previous practice. These Champions can be looked at by Council and be dissolved or differed if needed.

Cr Bennett stated that the Champions were an integral part in the Plan for the Future 2029 and beyond.

Question from Cr Messina

Cr Messina queried weather when you nominate for a Committee, do you get to say what experience you had on the committee in the past as you want to have the best suited people for the committee being elected?

Response

The Mayor Ian Carpenter stated that it would be acceptable for nominees to state their experience for Committee nominations.

CS034 Appointment of Delegates to External Committees

Discussed with previous item.

CS035 Re-Establishment of Council ChampionsQuestion from Cr Clune

Cr Clune stated that the word 'Champions' was a hard word to relate to and questioned if this could be changed?

Response

Mayor Ian Carpenter stated that this issue was raised last year and a suitable alternative was not found. Mayor welcomed councillors to suggest a better descriptor as an alternative.

Question from Cr Middleton

Cr Middleton enquired as to what synergies would Energy or Material Waste Champions have?

Response

Bob Davis, Director of Commercial Enterprises stated that both Energy and Material Waste do not have specific committees as they are such broad and state driven areas.

Question from Cr Ramage

Cr Ramage stated that as this Council is the largest Council in Western Australia, it may be necessary to enlarge the number of champions and elect one as a spokesperson that goes back to the committees?

Response

Mayor Ian Carpenter advised that in Committees there is usually only two members and that there is only one Champion with a proxy.

Question from Cr Gabelish

Cr Gabelish state that this had been discussed when Champions were first introduced. Champions are the spokesperson to the public for that specific area.

REPORTS OF SUSTAINABLE COMMUNITIES**SC017 Final Adoption of Town Planning Scheme Amendment No. 60 – Local Centre Rezoning Fifth Street, Wonthella**

Mayor Ian Carpenter declared an interest in the item.
Mayor Ian Carpenter left the room at 5.58pm

Question from Cr Hall

Cr Hall queried if people in the immediate area had been informed of the rezoning?

Response

Phil Melling, Director of Sustainable Communities advised that the Scheme amendment was advertised, and that any issues that were raised by the public were addressed by members of the City.

Mayor returned to the room 6.09

SC018 NOMINATIONS FOR DEVELOPMENT ASSESSMENT PANEL MEMBERSHIP

Phil Melling Director of Sustainable communities informed the Council that the introduction of the Development Assessment was a State Government initiative to help speed up the planning process, but in fact the timelines that are within the planning processes actually lengthen out approvals by 3 - 4 months. The panels only deal with application above 7 million dollars or the applicants if they have a development between 3 and 7 Million dollars have the choice to use the Council approval system or the development assessment panel system.

There are some strict controls around the Councillors and the officers that are involved in the process, especially the Councillors. They don't allow you to discuss your items with your councillors because it is a separate process you will under a lot of confidentiality components that you will have to deal with.

The panel is made up of 5 people, there are the two councillors from the particular local authority, and the other three panel members are appointed by the minister. And those people are usually from the planning profession.

The panel is also expected to meet locally. The three professionally appointed members on the panel oversee all of the Councils in the Midwest, and if there are a number of items on the agenda from respective Councils they sit through all of those particular councils and call in the councillors from the particular authorities.

Question from Cr Messina

Cr Messina asked if Members have already attended the training, would you have to do the training again?

Response

Mayor Ian Carpenter stated that he does not see that it would be necessary.

Question from Cr Brick

Cr Brick enquired can the assessment panel's override our planning schemes?

Response

The CEO stated that they can't with the application before them; they are obliged to give consideration based on what the scheme says. However in the new act that they have brought in, section 7, provision in the act actually allows the panel to make a recommendation to the minister to amend the scheme where the minister then has the power to direct a council to amend a scheme to allow the development to go ahead. That would by-pass the normal practice.

An assessment panel can only approve or refuse an application in accordance to the scheme on the day of the application, but it does have the power to subsequent advice or direction from a minister.

Question from Cr Brick

Cr Brick requested clarification if the two Councillors or proxy from the City would have to attend the meeting the whole day or only for the particular authority?

Response

Phil Melling, Director of Sustainable Communities confirmed that Council Members are only required for their local authority.

Question from Cr Gabelish

Cr Gabelish queried if the three members vote against the two Councillors is that the final decision?

Response

Phil Melling, Director of Sustainable Communities stated that this are strict controls around those panel members and one of the reasons for establishing the panels is to get rid of the subjectivity in planning through the Council processes, and they can only be determined on planning grounds. Objections for the local community have to have valid planning objections for the panel to make the determination.

Question from Cr Gabelish

Cr Gabelish questioned that where Council has had the opportunity to negotiate outcomes that are going to be consistent with community expectations and our planning policies has been taken away?

Response

Phil Melling, Director of Sustainable Communities stated that we still have that level of assessment and make sure that it conforms to Councils policies and processes that have been put in place but at the end of the day it does just come down to that role of the Development Assessment panel.

REPORTS OF CREATIVE COMMUNITIES

Nil.

REPORTS OF COMMUNITY INFRASTRUCTURE

Nil.

REPORTS OF COMMERCIAL ENTERPRISES

CE020 Confidential - Purchase of Property

CE019 Lease of Land – Geraldton Airport to Shine Aviation

Question from Cr Van Styn

Cr Van Styn enquired if this proposed additional site that is going to be leased will be impacted by the revised security area?

Response

The CEO stated that there is an existing lease on that building with Shine Aviation but they are looking at extending their lease so that they can expand their operations, the area stated and the associated hangers for the aircrafts in the master plan is designed as general aviation and it is right around the corner from the main area that is effected by the potential future expansion of RBT services. This will always be in the area of general aviation.

Question from Cr Van Styn

Cr Van Styn queried whether, depending on the resolution on this item would this provide sufficient space for other users that are going to be relocated further down when the master plan goes ahead?

Response

Bob Davis, Director of Commercial Enterprises stated that these two issues were unrelated. This is a small aviation terminal there is no room for anyone else, Shine Aviation have asked to put another building on that site for their officers. Longer term the object is that the City will build a purpose build general aviation terminal for multiple operators, but there is no demand for that at this time.

Question from Cr Hall

Cr Hall enquired if the change of lease will affect the Royal Flying Doctors Services and will the equipment from the Royal Flying Doctors be moved?

Response

Bob Davis, Director of Commercial Enterprises, confirmed that there is some Royal Flying Doctors Equipment being stored in the hanger but there will be no impact on this.

REPORTS TO BE RECEIVED**CS035 List Of Accounts Paid Under CEO Delegation**

Nil.

SCDDA058 Delegated Determinations

Nil.

6 Councillor Questions Without Notice

Nil.

7 Confidential Business

Nil.

8 Meeting closure

Closed 6.51pm