



**NOTES  
OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
7 SEPTEMBER 2010  
COMMENCING AT 6.30PM  
AT THE MELVILLE CIVIC CENTRE  
2<sup>ND</sup> FLOOR IN THE COUNCIL CHAMBERS  
10 ALMONDBURY ROAD, BOORAGOON**

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**Please note: The Agenda for the Agenda Briefing Forum should be read in conjunction with the [Agenda for the Ordinary Meeting of Council](#) to be held on 21 September 2010.**

**DISTRIBUTED: 10 September 2010**

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 7 September 2010 commencing at 6.30pm.

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## AGENDA BRIEFING FORUM BRIEFING NOTES

### 1. PRESENT

His Worship the Mayor, Russell Aubrey

#### COUNCILLORS

Cr R Subramaniam (Deputy Mayor)  
Cr N Pazolli, Cr P Reidy  
Cr T Ceniviva, Cr A Nicholson  
Cr J Barton, Cr G Wieland  
Cr C Halton  
Cr B Kinnell (until 7.29pm)  
Cr M Reynolds, Cr N Foxtan  
Cr C Robartson

#### WARD

Bull Creek/Leeming  
Applecross/Mount Pleasant  
City  
Bicton/Attadale  
Palmyra/Melville/Willagee  
Palmyra/Melville/Willagee  
University  
Bull Creek/Leeming

### 2. IN ATTENDANCE

Dr S Silcox  
Mr M Tieleman  
Mr J Christie  
Ms C Young  
Mr S Cope  
Mr L Hitchcock

Mr D Vinicombe  
Mr L Anderson (until 7.50pm)  
Mr R Bailey (until 8.52pm)  
Mr H Shigeyoshi (until 8.56pm)  
Mr I Davis (until 9.10pm)  
Mr B Kelly (until 9.10pm)  
Ms L Baker (until 9.10pm)  
Mr J Cameron (until 9.11pm)  
Mr B Taylor

Mr J Clark

Ms J Paparella

Chief Executive Officer  
Director Corporate Services  
Director Technical Services  
Director Community Development  
Director Urban Planning  
Executive Manager Legal Services

Manager Planning & Development  
Senior Planning Officer  
Special Projects Officer  
Senior Planning Officer  
Manager Parks & Environment  
A/Environmental Programs Coordinator  
Contracts/Projects Coordinator  
Executive Engineer  
Manager Information, Technology & Support  
Governance and Compliance Program Manager  
Minute Secretary

There was 1 person from the Media in attendance and 19 people present in the public gallery at the commencement of the Agenda Briefing Forum.

### **3. APOLOGIES AND APPROVED LEAVE OF ABSENCE**

#### **3.1 APOLOGIES**

Nil

#### **3.2 APPROVED LEAVE OF ABSENCE**

Nil

### **4. QUESTION TIME**

#### **4.1 Mr M Dominkovich, Ardross**

##### Question 1

Given the City of Melville has approved the Sunday Fresh Produce Markets and considering the amount of vehicular traffic including trucks, will the City of Melville close, Searle Road to traffic other than local residents? This is particularly relevant given noise issues surrounding commercial traffic and parking issues for local residents.

##### Response

The Chief Executive Officer advised that the City of Melville has not approved the Fresh Produce Market and it was currently being dealt with by the City's Development Advisory Unit process. Issue raised on traffic, amenity impacts, etc would be considered during the assessment process. Mr Dominkovich was invited to raise any particular issues with the City's Planning Officers.

### **7. DISCLOSURES OF INTEREST**

- |                 |   |
|-----------------|---|
| <b>P10/3162</b> | Mr D Vinicombe - Manager Planning and Development Services – Code of Conduct Disclosure – association with applicant and Financial Interest – association with respondent |
| <b>P10/3162</b> | Mr H Shigeyoshi – Senior Planning Officer - Code of Conduct Disclosure – past association with respondent   |
| <b>T10/3160</b> | Cr J Barton – Code of Conduct Disclosure – Resides near Point Walter Reserve  |
| <b>P10/3163</b> | Cr G Wieland – Proximity Interest Disclosure – Resides in Waddell Road  |

**6. DEPUTATIONS**

**P10/3162** Proposed Fruit, Vegetable and Meat Distribution 'Warehouse' with Incidental 'Shop' on Lot 101 (99B) North Lake Road, Myaree

Mr Andrew Pawluk, Principal Town Planner, West Coast Plan and  
Mr Gary Spillane, representing Beetroot Brothers, the Applicant

**P10/3162** Proposed Fruit, Vegetable and Meat Distribution 'Warehouse' with Incidental 'Shop' on Lot 101 (99B) North Lake Road, Myaree

Ms Robina Crook, Senior Planner of Planning Solutions, representing an objector.

**P10/3164** Proposed use of Reserve for Commercial Purposes (Water Sport Activities) on Lot 0 (98) The Esplanade, Mount Pleasant

Mr Karl Peters – Applicant

**T10/3165** Proposed Installation of Self Cleaning Toilet Facilities, Applecross Foreshore

Mr Peter Wylie - Applecross Resident & Objector to Proposal

**7. BUSINESS**

## **PROCEDURE FOR AGENDA BRIEFING FORUMS**

### **PRINCIPLES**

The Agenda Briefing Forum which occurs two weeks prior to the Council meeting provides an opportunity for elected members to ask questions and clarify issues relevant to the specific agenda items before Council. The briefing is not a decision-making forum and the Council has no power to make decisions in the Forum.

In order to ensure full transparency the meetings will be open to the public to observe the process. Where matters are of a confidential nature, they will be deferred to the conclusion of the briefing and at that point the briefing session closed to the public. The reports provided are the officers' professional opinions. While it is acknowledged that members may raise issues that have not been considered in the formulation of the report and recommendation, it is a basic principle that as part of the briefing sessions elected members cannot direct officers to change their reports or recommendations.

### **PROCESS**

The Agenda Briefing Forum will commence at 6.30 pm in accordance with the Schedule of Public Meetings (except January). It will be chaired by His Worship the Mayor or in his absence, the Deputy Mayor or in his/her absence the immediate past serving Deputy Mayor. In the absence of all, Elected Members will elect a chairperson from amongst those present. In general, Standing Orders will apply, EXCEPT THAT members may speak more than once on any item and there is no moving or seconding of items.

Where an interest is involved in relation to an item, the same procedure which applies to Ordinary Meeting of Council will apply. It is a breach of the City's Code of Conduct for an interest to not be declared. The briefing will consider items on the agenda only and proceed to deal with each item as they appear. The process will be for the Presiding Member to call each item number in sequence and ask for questions. Where there are no questions regarding the item, the briefing will proceed to the next item.

### **AGENDA CONTENTS**

While every endeavour is made to ensure that all items to be presented to Council at the formal council meeting are included in the Agenda Briefing Forum, it should be noted that there will be occasions when, due to necessity, items will not be ready in time for the forum session and will go straight to the Council agenda as a matter for decision. Further, there will be occasions when items are TABLED at the briefing rather than the full report being provided in advance. In these instances, staff will endeavour to include the item on the agenda as a late item.

### **AGENDA DISTRIBUTION**

The agenda will be distributed to elected members on the FRIDAY prior to the Agenda Briefing Forum. Copies will be made available to the libraries and the Internet for interested members of the public. Spare agendas will be available at the Agenda Briefing Forum for interested members of the public.

## **DEPUTATIONS**

Deputations may be heard prior to the commencement of an item.

The following guidelines have been prepared to assist groups who have requested or been invited to a Council Meeting, Agenda Briefing Forum or Committee Meeting to present a submission.

- (a) A deputation shall not exceed three (3) persons, only two of whom may address the meeting.
- (b) Notice of a request for Deputation including the name, office and contact details of members of the deputation **MUST** be forwarded to the Chief Executive Officer at least forty eight (48) hours prior to the meeting.
- (c) An outline of the points to be made in addressing the Council, Agenda Briefing Forum or Committee must be submitted in writing forty eight (48) hours prior to the meeting.
- (d) The representatives on the deputation must be met in the foyer of the Civic Centre by a Council Officer.
- (e) The Presiding Member will ask the leader of the deputation to present the submission on behalf of the Group. The leader of the deputation may call on one other member of the deputation to assist.
- (f) The deputation period, including time allowed for questions and answers from Members of the Committee, should not exceed fifteen (15) minutes. To allow adequate time for questions and answers, it is suggested the deputation address should last no longer than ten (10) minutes.
- (g) The individual or group will be advised in writing of the decision of the Council.
- (h) The Presiding Member has discretion to permit a Deputation to present a submission under other circumstances.

## **RECORD OF BRIEFING**

The formal record of the briefing session will be limited to notes regarding any agreed action to be taken by staff or elected members. No recommendations will be included.

## **QUESTION TIME**

Question Time will be limited to fifteen (15) minutes and be the first item of Business immediately following Apologies at the commencement of the meeting. Questions must relate to the ordinary business of the City of Melville or function of the Agenda Briefing Forum. A question must be submitted in writing and placed in the Question Tray prior to the commencement of the meeting.

- (a) The Presiding Member may, with absolute discretion, accept or reject the question, or determine that any complex questions requiring research, be answered in writing.
- (b) The Mayor may nominate a Member or Officer to answer the questions.
- (c) No debate or discussion will be permitted on any question or answer
- (d) In addition to question time during the meeting, the Mayor or Elected Members may make themselves available after the meeting to meet members of the public to answer any questions.

## **DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995**

### **Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

### **Meeting to be informed of disclosures**

**S.5.66** If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

### **Disclosing members not to participate in meetings**

**S.5.67** A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

**Please refer to your Handbook for definitions of interests and other detail.**



## 8. AGENDA ITEMS FOR PRESENTATION

At 6.44 Mr D Vinicombe, having declared an interest in this item, left the meeting.

At 6.46pm Mr Andrew Pawluk and Mr Gary Spillane were called upon to present their presentation, Mr Gary Spillane asked if he could present his deputation second.

At 6.49pm Ms Robina Crook was called upon to present first.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
P10/3162	<p><b>Proposed Fruit, Vegetable and Meat Distribution 'Warehouse' with Incidental 'Shop' on Lot 101 (99B) North Lake Road, Myaree</b></p> <p><b>DISCLOSURE OF INTEREST</b> Mr D Vinicombe - Manager Planning and Development Services Mr H Shigeyoshi – Senior Planning Officer</p> <p><b>DEPUTATION PRESENTATION/S</b> From 6.49pm to 6.55pm a deputation was heard from Ms Robina Crook, Planning Solutions, representing an objector.</p> <p>From 6.55pm to 7.23pm a deputation was heard from Mr Andrew Pawluk and Mr Gary Spillane, representing Beetroot Brothers - Applicant.</p> <p><b>OFFICER PRESENTATION</b> Lloyd Anderson - Senior Planning Officer</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information relating to the comment with regards to safety issues related to the width of the access way between the adjacent buildings, and whether the width meets Australian Standards. The "slip" lane referred to by the applicant was also clarified and indicated to be a widening of the existing crossover. What are the proposed staff numbers? What is the width of the access way between the buildings? What is the proposed refuse collection/disposal arrangements? Is there a requirement for landscaping to be provided, given the variation to the Scheme requirement; and, in which areas/zones is an incidental 'shop' permitted?</p> <p>Further information in relation to all the requests will be provided to Elected Members in the Elected Members Bulletin.</p> <p>General discussion took place regarding the item and officer recommendation.</p>

At 7.29pm Cr Kinnell left the meeting.

At 7.40pm John Cameron entered the meeting.

At 7.50pm Mr J Cameron left the meeting.

At 7.50pm Mr L Anderson left the meeting.

At 7.50pm Mr D Vinicombe returned to the meeting.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
P10/3164	<p><b>Proposed Use of Reserve for Commercial Purposes (Water Sports Activities) on Lot 0 (98) The Esplanade, Mount Pleasant</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> From 7.50pm to 8.05pm a deputation was heard from Mr Karl Peters – Applicant.</p> <p><b>OFFICER PRESENTATION</b> Hideyuki Shigeyoshi – Senior Planning Officer</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

Please note the Officer Mr H Shigeyoshi did not deliver his presentation immediately after Mr Karl Peters, this was an oversight and Mr H Shigeyoshi provided his presentation at 8.51pm.

At 8.05pm His Worship the Mayor requested that item T10/3165 be brought forward for discussion.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
T10/3165	<p><b>Proposed Installation of Self Cleaning Toilet Facilities Applecross Foreshore</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> From 8.05pm to 8.25pm a deputation was heard from Mr Peter Wylie - Applecross Resident &amp; Objector to Proposal.</p> <p><b>OFFICER PRESENTATION</b> Roy Bailey – Special Projects Officer</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 8.25 Cr Reidy left the meeting and returned at 8.27pm.  
 At 8.50pm the meeting reverted back to the normal order of the Agenda.  
 At 8.51pm Cr Nicholson left the meeting and returned at 8.56pm.  
 At 8.51pm Cr Robartson left the meeting and returned at 8.54pm.  
 At 8.52pm Mr R Bailey left the meeting.  
 At 8.52pm Mr M Tieleman left the meeting and returned at 8.56pm.  
 At 8.55pm Mr S Silcox left the meeting and returned at 8.59pm.  
 At 8.55pm Mr L Hitchcock left the meeting and returned at 8.59pm.  
 At 8.56pm Mr H Shigeyoshi left the meeting.

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
T10/3160	<p><b>Point Walter Restoration Project Business Case Approval</b></p> <p><b>DISCLOSURE OF INTEREST</b> Cr Barton - Proximity Interest under Code of Conduct.</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Laya Baker - Contracts/Projects Coordinator Benjamin Kelly - A/Environmental Programs Coordinator</p> <p><b>NOTES FROM FORUM</b> Elected members requested that the CEO draft an amendment that could be considered by Council. The amendment be that the report (Business Case, Concept Plan) be presented to the Western Australia Local Government Association Swan Canning Local Government Policy Forum to support their efforts in lobbying for additional funds to support the Swan and Canning Rivers. This information will be provided to Elected Members in the Elected Members Bulletin.</p> <p>General discussion took place regarding the item and officer recommendation.</p>

At 9.10pm Ms L Baker, Mr I Davis & Mr B Kelly left the meeting.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>T10/3161</b>	<p><b>Dedication of Kwinana Freeway in the City of Melville Mt Henry Bridge to Farrington Road</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> John Cameron - Executive Engineer</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

At 9.11pm Mr J Cameron left the meeting.

At 9.12pm Cr Halton left the meeting and returned at 9.14pm.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/5130</b>	<p><b>Adoption of the Proposed Amendment to City of Melville Dog Local Law</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Jeff Clark – Governance &amp; Compliance Program Manager</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

At 9.15pm Cr Subramaniam left the meeting and returned at 9.17pm.

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/5131</b>	<p><b>Adoption of the Proposed Repeal of City of Melville Local Law Relating to the Keeping of Bees</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Jeff Clark – Governance &amp; Compliance Program Manager</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

<b>Item No.</b>	<b>Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum</b>
<b>C10/5132</b>	<p><b>Adoption of the Proposed Amendment to City of Melville Parking Facilities Local Law</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Jeff Clark – Governance &amp; Compliance Program Manager</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/5133	<p><b>Proposed City of Melville Local Government Property Local Law 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Jeff Clark – Governance &amp; Compliance Program Manager</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/5000	<p><b>Common Seal Register</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/6000	<p><b>Investment Statements July 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION– IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/6001	<p><b>Schedule of Accounts July 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
C10/6002	<p><b>Financial Statements July 2010</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item or officer recommendation.</p>

**CONFIDENTIAL ITEM**

At 9.27pm Cr Wieland, having declared a Proximity Interest in accordance with section 5.60B of the Local Government Act 1995, left the meeting.

At 9.27pm Cr Subramaniam moved, seconded Cr Reidy

**That in accordance with section 5.23 (d) of the Local Government Act 1995 the discussion regarding Item P10/3163 - Reconsideration of Refused Two Storey with Mezzanine Floor Mixed Use Development on Lot 66 (40D) Waddell Road, Bicton be discussed confidentially behind closed doors.**

At 9.27pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

Item No.	Disclosures of Interest / Deputation Presentation/s / Officer Presentation / Notes from Forum
P10/3163	<p><b>Reconsideration of Refused Two Storey with Mezzanine Floor Mixed use Development on Lot 66 (40D) Waddell Road, Bicton</b></p> <p><b>DISCLOSURE OF INTEREST</b> Cr Wieland</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION – IF REQUESTED</b> David Vinicombe – Manager Planning &amp; Development Services</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and officer recommendation.</p>



At 10.09pm Cr Robartson moved, seconded Cr Subramaniam

**That the meeting come out from behind closed doors and the public be invited back into the meeting.**

At 10.09pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

At 10.10pm Cr Wieland returned to the meeting.

## **9. CLOSURE**

There being no further business, His Worship the Mayor closed the Agenda Briefing Forum at 10.10pm.