

**NOTES**

**OF THE**

**AGENDA BRIEFING FORUM**

**HELD ON**

**5 APRIL 2011**

**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 19 April 2011.**

**DISTRIBUTED: 8 April 2011**

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 5 April 2011 commencing at 6.30pm.

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## AGENDA BRIEFING FORUM BRIEFING NOTES

### 1. PRESENT

His Worship the Mayor, Russell Aubrey

#### COUNCILLORS

Cr N Pazolli, Cr P Reidy  
Cr T Ceniviva, Cr A Nicholson  
Cr G Wieland, Cr June Barton  
Cr B Kinnell  
Cr C Halton (from 6.48pm)  
Cr N Foxtan  
Cr C Robartson, Cr Rasa Subramaniam

#### WARD

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

### 2. IN ATTENDANCE

Dr Shayne Silcox  
Mr Steve Cope  
Mr M Tieleman  
Mr J Christie  
Mr T Cahoon

Chief Executive Officer  
Director Urban Planning  
Director Corporate Services  
Director Technical Services  
A/Director Community Development

Mr G Ponton  
Mr P Prendergast  
Ms A Templeton (until 9.05pm)  
Mr A Smith  
Mr H Shigeyoshi (until 9.05pm)  
Mr B Kelly (until 9.12pm)  
Mr L Anderson (until 9.05pm)  
Mr B Taylor

Manager Strategic Urban Planning  
Manager Planning and Development  
Planning Services Coordinator  
Land and Property Planner  
Senior Planning Officer  
Environmental Programs Coordinator  
Senior Planning Officer  
Manager Information, Technology & Support

Mr J Clark

Governance and Compliance Program  
Manager

Ms J Paparella  
Ms S Tranchita (until 7.57pm)

Business Support Officer  
Administration Officer

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

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

#### **3.1 APOLOGIES**

Cr Reynolds - University  
Ms C Young – Director Community Development  
Mr L Hitchcock - Executive Manager Legal Services

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

Nil

### **4. QUESTION TIME**

Nil

### **5. DISCLOSURES OF INTEREST**

**P11/3202** - Cr N Pazolli – Proximity Interest  
**P11/3196** - Cr T Ceniviva – Financial Interest  
**P11/3196** – Cr C Robartson – Financial Interest  
**Petition** – Telstra Mobile Base Station at Point Walter Golf Course, Cr J Barton – Proximity Interest

### **6. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil

### **7. DEPUTATIONS**

**P11/3193** - Mr Steven Postmus – Architect – Representing the Owner

**P11/3196** - Mr David Vinicombe - Senior Associate Planning Solutions – on behalf of Moore Bros Pty Ltd

**P11/3200** – Mr John Merrick – Representing Family

### **8. BUSINESS**

Nil

## **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.**



**9. AGENDA ITEMS FOR PRESENTATION**

At 6.48pm Cr Halton entered the meeting.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3193	<p><b>Proposed Two-Storey Single House with Undercroft at Lot 4 (18) Duncraig Road, Applecross</b></p> <p><b>OFFICER PRESENTATION</b> Hideyuki Shigeyoshi - Senior Planning Officer</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> From 6.41pm to 6.47pm a deputation was heard from Mr Steven Postmus the Architect representing the owner for the above item.</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3198	<p><b>Two-Storey Single Dwelling on Lot 1 (23A) Holman Street, Melville</b></p> <p><b>OFFICER PRESENTATION</b> Lloyd Anderson – Senior Planning Officer</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3199	<p><b>Two-Storey Single Dwelling on Lot 2 (76B) Aurelian Street, Palmyra</b></p> <p><b>OFFICER PRESENTATION</b> Lloyd Anderson – Senior Planning Officer</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding this item or the officer recommendation</p>

At 7.19pm Cr Kinnell left the meeting and returned at 7.21pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3200	<p><b>Proposed Two Storey Ancillary Accommodation on Lot 73 (58) Harris Street, Bicton</b></p> <p><b>OFFICER PRESENTATION</b> Lloyd Anderson – Senior Planning Officer</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> At 7.04pm to 7.06pm a deputation was heard from Mr John Merrick – representing Family</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information regarding more detail on the final design to be presented to Council. This information will be distributed prior to the Ordinary Meeting of Council. General discussion also took place regarding this item and the officer recommendation.</p>

At 7.26pm His Worship the Mayor requested that item P11/3196 be brought forward for discussion.

At 7.26pm Cr Ceniviva left the meeting having declared a Financial Interest in this item.

At 7.37pm Cr Robartson left the meeting.

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment</b>
P11/3196	<p><b>Re-Initiation of Amendment No. 47 to Community Planning Scheme No. 5 – Modification of the Myaree Mixed Business Frame and Precinct by Addition of New Zones, Precincts, Development Requirements, Definitions and Modification to the Use Class Table</b></p> <p><b>OFFICER PRESENTATION</b> Hideyuki Shigeyoshi - Senior Planning Officer</p> <p><b>DISCLOSURE OF INTEREST</b> Cr Ceniviva – Financial Interest Cr Robartson – Financial Interest</p> <p><b>DEPUTATION PRESENTATION</b> From 7.26pm to 7.30pm a deputation was heard from Mr David Vinicombe, Senior Associate Planning Solutions.</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and the officer recommendation.</p>

At 7.51pm the meeting reverted back to the normal order of the agenda.

At 7.52pm Cr Ceniviva and Cr Robartson returned to the meeting.

At 7.53 Mr H Shigeyoshi left the meeting and returned at 7.55pm.

At 7.57pm Ms S Tranchita left the meeting.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3194	<p><b>Final Adoption of Amendment No 58 to Community Planning Scheme No. 5 – Application of Precinct Zonings and Density Codings to Undesignated (Unzoned and Unreserved) Land Resulting From Metropolitan Region Scheme Amendment No. 1100/33 – portion of former Canning Highway Reservation Between Petra Street and Canning Bridge</b></p> <p><b>OFFICER PRESENTATION</b> Amanda Templeton - Planning Services Coordinator</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> Further information on the effect of road widening is to be required from Main Roads and advised to all Elected Members. General discussion took place regarding this item and the officer recommendation.</p>

At 8.04 pm Mr B Kelly entered the meeting.

At 8.09pm Cr Reidy left the meeting and returned at 8.11pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3195	<p><b>Stage Three Review of Urban Planning Policies</b></p> <p><b>OFFICER PRESENTATION</b> Amanda Templeton - Planning Services Coordinator</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> The policy on amenity will be referred to the City's Solicitors for comment to ensure the policy is worded to provide clarity in the event a matter is referred to the future administrative tribunal. The policy on telecommunications facilities and Communication Equipment was requested to be referred to the City's solicitors for review. Elected Members requested further information regarding the definition of structure, this information will be sent to all Elected Members by way of email prior to the Ordinary Meeting of Council. General discussion took place regarding this item and the officer recommendation.</p>

At 8.55pm Cr Nicholson left the meeting and returned at 9.00pm.

At 8.56pm Dr S Silcox left the meeting and returned at 8.58pm.

At 9.01pm Mr T Cahoon left the meeting and returned at 9.03pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3197	<p><b>Proposed Amendment No. 61 to Community Planning Scheme No. 5 – Deletion of Clause 5.6: Home Occupations and Inclusion of Home Office, Home Occupation and Home Business as Land Use Classes</b></p> <p><b>OFFICER PRESENTATION</b> Amanda Templeton - Planning Services Coordinator</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and officer recommendation.</p>

At 9.05pm Mr H Shigeyoshi, Ms A Templeton and Mr L Anderson left the meeting.

At 9.09pm Cr Wieland left the meeting and returned at 9.11pm.

At 9.10pm Cr Pazolli left the meeting and returned at 9.12pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
T11/3203	<p><b>Noting of the Natural Areas Asset Management Plan (NAAMP)</b></p> <p><b>OFFICER PRESENTATION</b> Ben Kelly - Environmental Programs Coordinator</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and officer recommendation.</p>

At 9.12pm Mr B Kelly left the meeting.

At 9.16pm Mr M Tieleman left the meeting and returned at 9.18pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/5000	<p><b>Common Seal Register</b></p> <p><b>OFFICER PRESENTATION</b> Marten Tieleman - Director Corporate Services</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding this item or officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/6000	<p><b>Investment Statements February 2011</b></p> <p><b>OFFICER PRESENTATION</b> Marten Tieleman - Director Corporate Services</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding this item or officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/6001	<p><b>Schedule of Accounts February 2011</b></p> <p><b>OFFICER PRESENTATION</b> Marten Tieleman - Director Corporate Services</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding this item or officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/6002	<p><b>Financial Statements February 2011</b></p> <p><b>OFFICER PRESENTATION</b> Marten Tieleman - Director Corporate Services</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and officer recommendation.</p>

**CONFIDENTIAL ITEMS:**

At 9.14pm the Mayor submitted a motion, that the meeting went behind closed doors, moved Cr Reidy, seconded Cr Barton -

**That the meeting be closed to the public to permit discussion of the confidential attachments in relation to Item: Insert Items numbers and titles covered under Section 5.23 (h) of the Local Government Act 1995.**

At 9.14pm the Mayor submitted the motion, which was declared.

**CARRIED (12/0)**

At 9.16pm Mr M Tieleman left the meeting and returned at 9.18pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3192	<p><b>Disposal of Lot 9 Leach Highway and Lot 100 North Lake Road, Willagee</b></p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>OFFICER PRESENTATION</b> Andrew Smith – Land and Property Planner</p> <p><b>NOTES FROM FORUM</b> The height of the building that can be approved under CPS5 on this site will be advised to Elected Members by the Director Urban Planning. General discussion took place regarding this item and officer recommendation</p>



At 9.36pm Cr Pazolli having declared an interest in this item left the meeting.

At 9.39pm Cr Pazolli returned to the meeting, moved Cr Reidy and seconded, Cr Wieland -

**CARRIED (12/0)**

At 9.42pm Cr Barton left the meeting and returned at 9.45pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3202	<p><b>Purchase of Water Corporate Land Bounded by Clive Street, Baldwin Avenue and Ogilvie Road Mt Pleasant</b></p> <p><b>OFFICER PRESENTATION</b> Gavin Ponton - Manager Strategic Urban Planning</p> <p><b>DISCLOSURE OF INTEREST</b> Cr Pazolli – Proximity Interest</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and officer recommendation.</p>

## **10. CLOSURE**

At 10.16pm Cr Reidy moved, seconded Cr Subramaniam -

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

At 10.16pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

No members of the public or press returned to the meeting.

There being no further business, His Worship the Mayor closed the Agenda Briefing Forum at 10.18pm.