

**NOTES**

**OF THE**

**AGENDA BRIEFING FORUM**

**HELD ON**

**7 JUNE**

**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 June 2011.**

**DISTRIBUTED: 10 June 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, 7 June 2011 commencing at 6.35pm.

## AGENDA BRIEFING FORUM BRIEFING NOTES

### 1. PRESENT

His Worship the Mayor, Russell Aubrey

#### COUNCILLORS

Cr N Pazolli, Cr P Reidy  
 Cr T Ceniviva, Cr E Nicholson  
 Cr G Wieland, Cr J Barton  
 Cr B Kinnell Cr C Halton  
 Cr N Foxton, Cr Reynolds  
 Cr R Subramaniam, Cr C Robartson

#### WARD

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

### 2. IN ATTENDANCE

Dr Shayne Silcox	(until 8.56pm)	Chief Executive Officer
Mr Steve Cope	(until 8.56pm)	Director Urban Planning
Mr M Tieleman		Director Corporate Services
Mr J Christie		Director Technical Services
Ms C Young	(until 8.56pm)	Director Community Development
Mr L Hitchcock		Executive Manager Legal Services
Mr G Ponton	(until 8.11pm)	Manager Strategic Urban Planning
Mr P Prendergast	(until 8.56pm)	Manager Planning and Development
Ms A Templeton	(until 8.11pm)	Planning Services Coordinator
Mr B Taylor	(From 6.37 until 8.56pm)	Manager Information, Technology & Support
Mr J Clark		Governance and Compliance Program Manager
Ms S Tranchita	(until 8.56 pm)	Minute Secretary
Ms J Paparella	(until 8.56 pm)	Business Support Officer

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

**3. APOLOGIES AND APPROVED LEAVE OF ABSENCE****3.1 APOLOGIES****3.2 APPROVED LEAVE OF ABSENCE**

Nil

**4. QUESTION TIME**

Nil

**5. DISCLOSURES OF INTEREST**

**M11/5188** Dr Shayne Silcox - Financial Interest  
**P11/3218** Cr A Ceniviva - Code of Conduct Interest  
**C11/5187** Cr P Reidy - Financial Interest  
**P11/3216** Cr C Halton - Code of Conduct Interest

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

Cr Reynolds – University Ward

**7. DEPUTATIONS**

**P11/3217-** Mr Greg Hunt, Mr Frank Sanchez, Directors, Jacs Applecross Pty Ltd

**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 6.37pm Mr Taylor entered the meeting.

At 6.39pm His Worship the Mayor requested that item P11/3217 be brought forward for discussion.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3217	<p><b>Change of Use from Restaurant to use not listed (Small Bar) at Units 1 &amp; 2, 45 Ardross Street, Applecross</b></p> <p><b>OFFICER PRESENTATION</b> Mr Peter Prendergast - Manager Planning and Development</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>DEPUTATION PRESENTATION</b> From 6.37pm to 6.55 pm a deputation was heard from Mr G Hunt and Mr F Sanchez - Directors, Jacs Applecross Pty Ltd</p> <p><b>NOTES FROM FORUM</b> Elected Members requested advice as to whether any of the submissions received were from commercial businesses in the area. This information will be distributed through the Elected Members Bulletin prior to the Ordinary Meeting of Council. General discussion also took place regarding this item and the officer recommendation.</p>

At 7.22pm the members of the public left the meeting

At 7.24pm the meeting reverted back to normal order of the agenda.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
M11/5178	<p><b>Annual Review of Internal Audit Plan</b></p> <p><b>OFFICER PRESENTATION</b> Presiding Member FMARC Committee</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 the officer recommendation.</p>



Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
M11/5180	<p><b>Internal Audit Report Value for Money</b></p> <p><b>OFFICER PRESENTATION</b> Presiding Member FMARC Committee</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 the officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3216	<p><b>Rationalisation of Seating Numbers within the existing Restaurant and Retrospective Approval for the Construction of a Storage Shed at Lot 16 (356 &amp; 358) Marmion Street, Melville</b></p> <p><b>OFFICER PRESENTATION</b> Mr Peter Prendergast - Manager Planning and Development</p> <p><b>DISCLOSURE OF INTEREST</b> Cr C Halton – Code of Conduct</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> As a result of discussions, it was concluded that in order to manage the possible adverse impacts from noise as a result of the disposal of bottles, particularly late at night, that an additional condition be imposed to require the applicant to submit a House Management Plan for the approval of the City. Officers will prepare an amendment for consideration at the Ordinary Meeting of Council. A request was made to provide a list of conditions where an Absolute Majority and Special Majority decisions were required for Planning decisions. This information will be distributed through the Elected Members Bulletin prior to the Ordinary Meeting of Council. General discussion also took place regarding this item and officer recommendation.</p>

At 7.53pm Cr Nicholson left the meeting and returned at 7.58pm  
 At 7.59pm Cr Kinnell left the meeting and returned at 8.00pm  
 At 8.00pm Dr Shayne Silcox left the meeting and returned at 8.02pm

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3218	<p><b>Stage Five Review of Urban Planning Policies – Car Parking</b></p> <p><b>OFFICER PRESENTATION</b> Amanda Templeton - Planning Services Coordinator</p> <p><b>DISCLOSURE OF INTEREST</b> Cr A Ceniciva - Code of Conduct</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information regarding whether the car parking concessions identified in the draft Car Parking Policy in relation to high frequency bus routes could be extended to apply to the entire length of Canning Highway and Leach Highway. This information will be distributed through the Elected Members Bulletin prior to the Ordinary Meeting of Council. General discussion also took place regarding this item and the officer recommendation</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3219	<p><b>Stage Five Review of Urban Planning Policies – Energy Efficiency and Highly Reflective Roofing</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> Elected Members requested that consideration be given to retaining the restrictions that exist in relation to the use of highly reflective roofing materials. An amendment is to be prepared by Officers for Elected Members to consider at the Ordinary meeting of Council. General discussion also took place regarding this item and the officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3220	<p><b>Stage Five Review of Urban Planning Policies – Precinct and Local Area 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> General discussion took place regarding this item and the officer recommendation.</p>

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
P11/3221	<p><b>Stage Five Review of Urban Planning Policies – Residential Development and Incidental Structures</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 the officer recommendation.</p>

At 8.11pm Mr Ponton and Ms Templeton left the meeting.  
At 8.11pm The member of the media left the meeting.  
At 8.11pm Mr Taylor left the meeting and returned at 8.18pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/5186	<p><b>Amendments to the City of Melville Local Government Property Law 2010</b></p> <p><b>OFFICER PRESENTATION</b> Jeff Clark - Governance and Compliance Program Manager</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 the officer recommendation.</p>

At 8.16pm Cr Reidy left the meeting having declared an interest in the item and returned at 8.38pm.  
At 8.16pm Cr Weiland left the meeting and returned at 8.18pm.  
At 8.31pm Cr Halton left the meeting and returned at 8.38pm.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/5187	<p><b>Review of City of Melville Delegated Authority Manual</b></p> <p><b>OFFICER PRESENTATION</b> Jeff Clark - Governance and Compliance Program Manager</p> <p><b>DISCLOSURE OF INTEREST</b> Cr P Reidy – Financial Interest</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information regarding council policy (severance payment) and its constraints to be provided at Ordinary Meeting of Council. General discussion also took place regarding this item and the officer recommendation.</p>

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>

At 8.38pm Cr Reynolds left the meeting and returned at 8.41pm

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
C11/6000	<p><b>Investment Statements April 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> Elected Members requested further advice as to how Denison arrived at the end of month investment valuations. The CEO advised that this information would be made available for Elected Members to view by attending the Civic Centre in person through prior arrangement with the Director of Corporate Services. General discussion also 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 April 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 April 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 ITEM**

At 8.54pm the His Worship the Mayor advised the meeting that the meeting was to go behind closed doors to discuss Item M11/5188 – Chief Executive Officer Contract.

At 8.54pm moved Cr Reidy, seconded Cr Robartson -

**That the meeting be closed to the public to permit discussion of the confidential attachments in relation to Item: M11/5188- Chief Executive Officer Contract covered under Section 5.23 (h) of the Local Government Act 1995.**

At 8.54pm the Mayor submitted the motion, which was declared.

**CARRIED (13/0)**

At 8.56pm Dr Silcox, Mr Taylor, Ms Tranchita, Ms Paparella, Mr Prendergast, Mr Cope, Ms Young left the meeting.

Item No.	Officer Presentations / Deputation Presentations / Disclosures of Interest / Elected Member Comment
M11/5188	<p><b>Chief Executive Officer Contract</b></p> <p><b>OFFICER PRESENTATION</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Dr Shayne Silcox – Financial Interest</p> <p><b>DEPUTATION PRESENTATION</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding this item and the officer recommendation.</p>

At 9.18pm Cr Reidy moved, seconded Cr Reynolds -

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

At 9.18pm the Mayor submitted the motion, which was declared

**CARRIED (13/0)**

No members of the public returned to the meeting.

At 9.19pm Cr Robartson moved, seconded Cr Foxtan –

**That the application for new leave of absence submitted by Cr Reynolds on 7 June 2011 be granted**

At 9.19pm the Mayor submitted the motion which was declared

**CARRIED (13/0)**

**10. CLOSURE**

There being no further business, His Worship the Mayor closed the Agenda Briefing Forum at 9.19pm.