

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
27 NOVEMBER 2012
COMMENCING AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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Please note: The Agenda for the Briefing Forum should be read in conjunction with the [Agenda for the Ordinary Meeting of Council](#) to be held on 11 December 2012

DISTRIBUTED: 30 November 2012

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 27 November 2012 commencing at 6.30pm.

AGENDA BRIEFING FORUM BRIEFING NOTES

1. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr D Macphail (Deputy Mayor)
Cr P Reidy
Cr A Nicholson
Cr J Barton, Cr S Taylor-Rees
Cr R Hill, Cr R Kinnell
Cr M Reynolds, Cr N Foxton
Cr C Robartson, Cr R Willis

WARD

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

2. IN ATTENDANCE

Dr S Silcox
Mr M Tieleman
Mrs C Young
Mr J Christie
Mr G Ponton
Ms E Kania
Mr B Taylor

Mr P Prendergast (until 8:40pm)

Mrs A Templeton (until 8:40pm)

Mr J Clark
Mr J Bird
Ms D Whyte
Ms J Miller (until 7.13pm)
Ms J Paparella
Ms K Elliss

Chief Executive Officer
Director Corporate Services
Director Community Development
Director Technical Services
A/Director Technical Services
A/Executive Manager Legal Services
Manager Information, Technology & Support
Manager Planning and Development Services
Planning Services Coordinator
Governance and Compliance Manager
Manager Parks & Environment
Senior Management Accountant
Environmental Coordinator
Business Support Officer
Minute Secretary

At the commencement of the meeting there were four members of the public and no member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Nil

4.2 APPROVED LEAVE OF ABSENCE

Cr Pazolli – Applecross/Mt Pleasant Ward

5. QUESTION TIME

Nil

6. DISCLOSURE OF INTEREST

T12/3325 – Cr S Taylor-Rees – Code of Conduct

7. DEPUTATIONS

- **T12/3325** – Dinghy Management along Swan and Canning River Foreshore
Mr P Neesham, Chairman of the Bicton Environmental Action Group
- **T12/3325** – Dinghy Management along Swan and Canning River Foreshore
Mr C Mather, Manager Riverpark Operations - Swan River Trust
- **C12/5266** - Walters River Café – Request for Lease Fee Relief – Mr Lee Green
– Operations Manager and Mr Laurie Lapsley - Partner of
Cornerstone and Partners, Accountant to Manta Services Pty Ltd.

8. 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 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 6.51pm His Worship the Mayor requested that Item T12/3325 – be brought forward for discussion.

T12/3325	<p>Dinghy Management along Swan and Canning River Foreshore</p> <p>OFFICER PRESENTATION Jessica Miller – Environmental Coordinator</p> <p>DEPUTATION/PRESENTATION/S From 6.38pm to 6.51pm a deputation was heard from Mr P Neesham – Chairman of the Bicton Environmental Action Group. From 6.59pm to 7.13pm a deputation was heard from Mr C Mather – Swan River Trust - Manager Riverpark Operations.</p> <p>DISCLOSURE OF INTEREST T12/3325 – Cr S Taylor-Rees – Code of Conduct</p> <p>NOTES FROM FORUM Elected Members requested information concerning the exact number of survey participants were involved in the 2009 Swan River Trust survey, in regards to dinghy ownership, particularly in the Bull Creek area. This information will be provided in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>
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At 7.13pm Ms Miller left the meeting.

At 7.14pm His Worship the Mayor requested that Item C12/5266 – Confidential Item - Walter's River Café – Request for Lease Fee Relief be brought forward for discussion.

At 7.14pm Cr Macphail moved, seconded Cr Reynolds –

That the meeting be closed to the public to permit discussion on a confidential matter, Confidential Item C12/5266 – Walter's River Café' – Request for Lease Fee Relief covered under Section 5.23 (2) (E) of the Local Government Act 1995 relating to a matter that if disclosed would reveal information that has a commercial value to a person.

At 7.14pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

C12/5266	Confidential Item - Walter's River Café – Request for Lease Fee Relief
	<p>OFFICER PRESENTATION Jeff Clark – Governance & Compliance Program Manager</p> <p>DEPUTATION/PRESENTATION/S From 7.15pm to 7.31pm a deputation was heard from Mr Lee Green – Operations Manager and Mr Laurie Lapsley - Partner of Cornerstone and Partners, Accountant to Manta Services Pty Ltd.</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested the entire Profit-Loss statement and all available figures associated with this report be provided. The Chief Executive Officer requested Elected Members to identify any deficiency in the report concerning financial matters of the Lessee and if required, additional financial analysis would be provided by Officers. General discussion also took place regarding the item and officer recommendation.</p>

At 7.28pm Cr Reynolds left the meeting and returned at 7.31pm.

At 7.31pm Cr Kinnell left the meeting and returned at 7.39pm.

At 8.01pm Cr Robartson moved, seconded Cr Kinnell -

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

At 8.01pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

No members of the media or public gallery returned to the meeting.

P12/3355	Initiation of Amendment No. 67 to Community Planning Scheme No. 5 – Zoning of the Mixed Use Precinct at Murdoch Activity Centre as “Development Zone” and Associated Amendments to Scheme Text
	<p>OFFICER PRESENTATION Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8.02pm Cr Reidy left the meeting and returned at 8.04pm.

At 8.02pm Cr Willis left the meeting and returned at 8.05pm.

At 8.01pm Mr Taylor left the meeting and returned at 8.06pm.

At 8.15pm Mr Tieleman left the meeting and returned at 8.16pm.

P12/3356	Adoption of Non-Residential Development Policy for Advertising
	<p>OFFICER PRESENTATION Amanda Templeton – Planning Services Coordinator</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8.22pm Ms Whyte left the meeting and returned at 8.25pm.

At 8.28pm Cr Nicholson left the meeting and returned at 8.32pm.

P12/3357	Review of Council Policy CP – 45: Exhibition / Display Homes
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Planning & Development Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

P12/3358	Revocation of Council Policy CP-047: Subdivision and Development Adjoining Highways, Major Roads and Public Open Space
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Planning & Development Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

At 8.33pm Cr Foxtan left the meeting and returned at 8.35pm.

P12/3359	Revocation of Council Policy CP-046: Reserved Land and Freehold Council Land
	<p>OFFICER PRESENTATION Amanda Templeton – Planning Services Coordinator</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested information regarding the status of Ken Hurst Park and Wireless Hill and whether the revocation of the Policy will have an affect on the applications for these reserves. This information will be provided in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation</p>

At 8.36pm Cr Macphail left the meeting and returned at 8.83pm.

C12/6051	Long Term Financial Plan
	<p>OFFICER PRESENTATION Marten Tieleman – Director Corporate Services Debbie Whyte – Senior Management Accountant</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

C12/5000	Common Seal Register
	<p>OFFICER PRESENTATION IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C12/6000	Investment Statements
	<p>OFFICER PRESENTATION IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

C12/6001	Schedule of Accounts October 2012
	<p>OFFICER PRESENTATION IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

C12/6002	Financial Statements October 2012
	<p>OFFICER PRESENTATION IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

9. CLOSURE

There being no further business, His Worship the Mayor declared the Forum closed at 8.54pm.