

**NOTES OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
TUESDAY 9 APRIL 2013  
COMMENCED 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 Briefing Forum should be read in conjunction with the [Agenda for the Ordinary Meeting of Council](#) to be held on 16 April 2013**

**DISTRIBUTED: 12 April 2013**

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### **COMMUNITY DEVELOPMENT**

Nil

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Nil

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday 9 April 2013 commencing at 6.30pm.

At 6.32pm in accordance with Section 5.6 of the Local Government Act 1995, the Acting Chief Executive Officer called for nominations for a Presiding Member for the Agenda Briefing Forum in the absence of His Worship the Mayor and Deputy Mayor.

A nomination was received from Cr Robartson.

Moved Cr Reidy, seconded Cr Reynolds:

That Cr Robartson be elected Presiding Member for this meeting of the Agenda Briefing Forum.

At 6.33pm the Acting Chief Executive Officer submitted the motion, which was declared **CARRIED (9/2)**

At 6.33pm Cr Robartson was declared elected Presiding Member of this meeting of the Agenda Briefing Forum and assumed the chair.

## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6.34pm. Mr Jeff Clark, Governance & Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then the Presiding Member Cr Robarston, read aloud the following Affirmation of Civic Duty and Responsibility.

### **Affirmation of Civic Duty and Responsibility**

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

## **AGENDA BRIEFING FORUM BRIEFING NOTES**

### 2. PRESENT

#### **COUNCILLORS**

Cr P Reidy, Cr N Pazolli  
Cr A Nicholson  
Cr J Barton, Cr S Taylor-Rees  
Cr R Hill, Cr R Kinnell  
Cr M Reynolds, Cr N Foxtan  
Cr C Robartson, Cr R Willis

#### **WARD**

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

**3. IN ATTENDANCE**

Mrs C Young	A/Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr J Christie	Director Technical Services
Mr G Ponton	A/Director Strategic Urban Planning
Mr B Taylor	Manager Information, Technology & Support
Mrs A Templeton (until 9.21pm)	A/Manager Statutory Planning
Mr H Shigeyoshi (until 9.21pm)	A/Planning Services Coordinator
Mr I Davis (7.44pm – 9.40pm)	Projects Coordinator
Mr J Clark	Governance & Compliance Program Manager
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 48 members of the public and no members from the Press in the Public Gallery.

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

Dr Shayne Silcox

**4.2 APPROVED LEAVE OF ABSENCE**

His Worship the Mayor, Russell Aubrey  
Cr D Macphail – City Ward (Deputy Mayor)

**4.3 APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil

**5. QUESTION TIME**

Nil

**6. DISCLOSURE OF INTEREST**

Nil

**7. DEPUTATIONS**

- **P13/3374** – Mrs C O'Neill – Swan Estuary Reserves Action Group Inc and Mr. M Nichol (Chair of Friends of Attadale Foreshore (Inc).
- **P13/3375** – Catherine O'Neill – Swan Estuary Reserves Action Group Inc and Mr M Nichol (Chair of Friends of Attadale Foreshore (Inc).
- **P13/3381** – Mr N Schreiber and Mrs H Nicholson – Residents of Leeming
- **P13/3381** – Mr P Webb of Peter D Webb and Associates – Swami Krupa 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 Presiding member 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.**



**AGENDA ITEMS FOR PRESENTATION**

At 6.33pm the Presiding Member requested that items P13/3374, P13/3375 and P13/3381 – be brought forward for discussion.

At 7.16pm Cr Kinnell left the meeting and returned at 7.17pm.

The deputation by Mrs C O'Neill representing Swan Estuary Reserves Action Group Inc and Mr M Nichol (Chair of Friends of Attadale Foreshore (Inc), provided information for Agenda Items P13/3374 and P13/3375.

<b>P13/3374</b>	<b>Proposed Kite Surfing School at Melville Beach Applecross</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – A/Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> From 6.38pm to 6.54pm a deputation was heard from Mrs C O'Neill representing Swan Estuary Reserves Action Group Inc and Mr M Nichol (Chair of Friends of Attadale Foreshore (Inc)</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information as to the reasons why the City of Cockburn banned kite surfing at Woodman Point. This information will be provided to Elected Members in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>

<b>P13/3375</b>	<b>Proposed Kite Surfing School at Melville Beach Applecross, Attadale Foreshore and Point Walter</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – A/Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> From 6.38pm to 6.54pm a deputation was heard from Mrs C O'Neill representing Swan Estuary Reserves Action Group Inc and Mr. M Nichol (Chair of Friends of Attadale Foreshore (Inc).</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information as to the reasons why the City of Cockburn banned kite surfing at Woodman Point. This information will be provided to Elected Members in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>

At 7.43pm Cr Reidy left the meeting and returned at 7.44pm.

At 7.44pm Mr Davis entered the meeting.

At 7.44pm Mr Taylor left the meeting and returned at 7.48pm.

<b>P13/3381</b>	<b>Reconsideration of a Change of Use of Lot 36 (1) Shea Grove Leeming From 'Residential' to 'Residential' and 'Consulting Room' and Alterations to the Existing Building</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – A/Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> From 7.44pm to 7.58pm a deputation was heard from Mr N Schreiber and Ms H Nicholson – Residents in Leeming.</p> <p>From 8.05pm to 8.20pm a deputation was heard from Mr P Webb of Peter D Webb and Associates representing and Dr Arvind Vasudevan Swami Krupa Pty Ltd.</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested the following information: Details of the petitions provided by the Applicant in favour of the business operating in Leeming, also the approximate cost of the application being determined by the State Administrative Tribunal. This information will be provided to Elected Members in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>

At 8.50pm the Meeting reverted back to the normal order of agenda.

<b>P13/3380</b>	<b>Three Storey Mixed Use Development at Lot 1 (31F) Ardross Street, Applecross</b>
	<p><b>OFFICER PRESENTATION</b> Hide Shigeyoshi – A/Planning Services Coordinator</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 9.01pm Cr Reidy left the meeting and returned at 9.06pm.  
At 9.06pm Cr Reynolds left the meeting and returned at 9.08pm.

<b>P13/3382</b>	<b>Change of Use From 'Office' to 'Medical Centre' at Lot 1 (884) Canning Highway, Applecross</b>
	<p><b>OFFICER PRESENTATION</b> Hide Shigeyoshi – A/Planning Services Coordinator</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested that a copy of the City's current car parking tally for the Canning Bridge Vision be provided. This information will be provided to Elected Members in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>

<b>P13/3378</b>	<b>Adoption of Provision of Public Art in Development Proposals Policy</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – A/Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

<b>P13/3379</b>	<b>Final Adoption of Council Policy CP – 45: Exhibition / Display Homes</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – A/Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item and officer recommendation.</p>

At 9.21pm Mrs Templeton and Mr Shigeyoshi left the meeting.

<b>T13/3383</b>	<b>Re-Development of Carawatha Primary School</b>
	<p><b>OFFICER PRESENTATION</b> Ian Davis – Projects Coordinator</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> Elected Members requested a breakdown of the year to date expenditure of the 2012/2013 Carawatha Park Budget (\$130,000). This information will be provided to Elected Members in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>

At 9.40pm Mr Davis left the meeting.

<b>C13/5000</b>	<b>Common Seal Register</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Jeff Clark – Governance and Compliance Program Manager</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item and officer recommendation.</p>

<b>C13/6000</b>	<b>Investment Statements February 2013</b>
	<p><b>OFFICER PRESENTATION– IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item and officer recommendation.</p>

<b>C13/6001</b>	<b>Schedule of Accounts February 2013</b>
	<p><b>OFFICER PRESENTATION– IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

<b>C13/6002</b>	<b>Financial Statements</b>
	<p><b>OFFICER PRESENTATION– IF REQUESTED</b> Marten Tieleman - Director Corporate Services</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b> No discussion took place regarding the item and officer recommendation.</p>

## **9. CLOSURE**

There being no further business, The Presiding Member declared the Forum closed at 9.43pm.