

**NOTES OF THE  
SPECIAL AGENDA BRIEFING FORUM  
HELD ON  
MONDAY 2 DECEMBER 2013  
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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**DISTRIBUTED: 6 December 2013**

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Notes of the Special Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Monday, 2 December 2013 commencing at 6.30pm.

## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6.30pm. Mr Jeff Clark, A/Executive Manager Legal Services, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, 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

His Worship the Mayor R Aubrey

### **COUNCILLORS**

Cr Pazolli  
Cr Schuster (from 8.01pm)  
Cr Taylor-Rees  
Cr R Aubrey, Cr D Macphail  
Cr R Hill, Cr P Phelan  
Cr C Robartson, Cr R Willis

### **WARD**

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

## 3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Ms C Young	Director Community Development
Mr M Tieleman	Director Corporate Services
Mr J Christie	Director Technical Services
Mr S Cope	Director Strategic Urban Planning
Mr P Prendergast	Manager Statutory Planning
Mr G Ponton	Manager Strategic Urban Planner
Mr D Cracknell	Senior Strategic Urban Property/Planner
Mr J Clark	A/Executive Manager Legal Services
Mr N Fimmano	A/Governance & Compliance Program Manager
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 44 members of the public and one member from the Press in the Public Gallery.

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

##### **4.1 APOLOGIES**

Cr Foxton – University Ward

##### **4.2 APPROVED LEAVE OF ABSENCE**

Cr J Barton – Bicton/Attadale Ward

Cr M Reynolds – University Ward

Cr C Schuster – Applecross/Mt Pleasant Ward

##### **4.3 APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil

#### **5. QUESTION TIME**

##### **5.1 – Mr K Miller (Booragoon)**

###### **Question**

*What is the function of the independent probity group, who sits on this committee, and are these members at arms length from all the other executive decision makers that run the City of Melville. In brief are the outcomes available to the wider community of ratepayers by way of public audit, and if not why not?*

###### **Response**

The Manager of Strategic Planning responded by saying that the City established a Probity Advisory Group to provide an additional level of oversight for this project. There is no legal or policy requirement for an oversight or probity group and the City considers that it is setting a new level of best practice governance for the project. Importantly the probity group oversees the processes and procedures being followed by the City in progressing the Melville City Centre Structure Plan. The group is not involved in determining the planning merits, or otherwise, of the project.

Terms of Reference for the Probity Advisory Group:

The Probity Advisory Group has assisted with project oversight and good governance. The terms of reference are: "The Probity Advisory Group is to use its best endeavours to:

1. Oversee the process and procedures in place that are to be followed by the City throughout the project;
2. Provide an independent 'checking' role that is separate from the City's staff working on this project;
3. Provide an "alert" function for areas requiring particular attention, if necessary;
4. Identify or make comment on potential conflicts of interest for the City; and
5. Advise the City's Executive Management Team and relevant staff who will report to Council throughout the project."

#### Probity Advisory Group Membership

The Probity Advisory Group comprises five people including three internal City of Melville staff who are not involved in the structure plan project or in making decisions on the project, a representative of the Department of Planning and a representative from the Western Australian Local Government Association.

The Probity Advisory Group was established to advise the City's Executive Management Team. Inputs to the Probity Advisory Group also involve a degree of confidentiality. Notes from the meetings are therefore not publicly available.

### **5.2 – Mr E Nielsen (Booragoon)**

#### **Question 1**

*To date there do not seem to be any reports included in the documents relating to services required for such a massive expansion, particularly for electricity*

*Is AMP aware of a council decision on the 19 October 2010 **not** to support Western Power's proposal to expand the capacity and the footprint of the Myaree substation on the corner of Norma and Kitchener roads, Booragoon?*

*Is AMP aware that Council asked Western Power to find alternative sites for the substation inside the industrial area (without further delay) and also to locate overhead high voltage power lines underground (away from residential housing)?*

#### **Response**

The Director Urban Planning can now confirm that a structure plan sets the broad town planning framework for an area, for example by specifying zonings, building heights and land uses. A structure plan does not include detailed plans for particular sites.

Section 2.3.6 of the structure plan document discusses the provision of services for the city centre. Western Power was one of the service providers contacted during the public advertising process and it advised that there are no service delivery issues foreseen at this point and that it would include the information provided in future electricity network planning.

Service providers such as Western Power would be contacted again if or when major landowners are conducting detailed planning and design investigations, following the determination of the structure plan. It is the responsibility of developers or landowners to work with service providers to ensure that future developments are adequately serviced.

## **6. DISCLOSURE OF INTEREST**

P13/3449 – Mayor Aubrey – Proximity Interest  
P13/3449 – Cr R Aubrey – Code of Conduct  
P13/3449 – Cr D Macphail – Financial Interest  
P13/3449 – Cr Phelan – Code of Conduct  
P13/3450 – Cr Schuster – Code of Conduct  
P13/3450 – Cr Pazolli – Proximity Interest

**7. DEPUTATIONS**

P13/3449 – Ms J Considine – Speaking on behalf of the Southern Frame Group  
P13/3449 – Mr S Nugent – State Development Manager – AMP CAPITAL

**8. PETITION**

Nil.

**9. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**10. REQUEST OF ITEMS BROUGHT FORWARD**

Nil.

**11. REPORTS BY THE CHIEF EXECUTIVE OFFICER**

Nil .

**12. 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 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.**

**13. AGENDA ITEMS FOR PRESENTATION**

At 6.43pm, his Worship the Mayor advised the meeting that he had declared an Interest in Item P13/3449 and that he would be leaving the meeting during the presentations and discussion of the Item.

His Worship the Mayor then called for nominations for the position of acting Presiding Member.

A nomination was received for Cr Robartson to act as Presiding Member.

At 6.45pm Cr Phelan moved, seconded: Cr Willis

That Cr Robartson be elected Presiding Member for Item P13/3449 of the Special Agenda Briefing Forum.

At 6.45pm the Mayor submitted the motion which was declared **CARRIED (9/0)**

At 6.45pm Cr Robartson was declared elected Presiding Member for Item P13/3449 of the Special Agenda Briefing Forum and assumed the chair.

At 6.46pm His Worship the Mayor left the meeting having declared an interest in the Item P13/3449 – Final Adoption of the Melville City Centre Structure Plan.

Cr Macphail having declared a Financial Interest advised that as the Agenda Briefing Forum was not a decision making forum, he would remain in the Chamber.

<b>P13/3449</b>	<b>Final Adoption of the Melville City Centre Structure Plan</b>
	<p><b>OFFICER PRESENTATION</b> Dean Cracknell – Senior Strategic Urban/Property Planner</p> <p><b>DEPUTATION PRESENTATION/S</b> From 6.50pm until 7.01pm a deputation was heard from Ms J Considine – Speaking on behalf of the Southern Frame Group From 7.06pm until 7.17pm a deputation was heard from Mr S Nugent – State Development Manager – AMP CAPITAL</p> <p><b>DISCLOSURE OF INTEREST</b> P13/3449 – Mayor Aubrey – Financial Interest P13/3449 – Cr R Aubrey – Code of Conduct P13/3449 – Cr D Macphail – Financial Interest P13/3449 – Cr Phelan – Code of Conduct</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and Officer Recommendation.</p>

At 7.57pm Cr Pazolli and Cr Macphail left the meeting.

At 7.57pm His Worship the Mayor returned to the meeting and Cr Robartson vacated the chair as Presiding Member.

At 7.58pm Cr Pazolli and Cr Macphail returned to the meeting.  
 At 8.01pm Cr Schuster entered the meeting.  
 At 8.08pm Cr Aubrey left the meeting and returned at 8.11pm.  
 At 8.09pm Cr Phelan left the meeting and returned at 8.13pm.

<b>P13/3450</b>	<b>Public Advertising of the Riseley Centre Structure Plan</b>
	<p><b>OFFICER PRESENTATION</b>          Dean Cracknell – Senior Strategic Urban/Property Planner</p> <p><b>DEPUTATION PRESENTATION/S</b>          Nil</p> <p><b>DISCLOSURE OF INTEREST</b>          Cr Pazolli – Proximity Interest          Cr Schuster – Code of Conduct</p> <p><b>NOTES FROM FORUM</b>          General discussion took place regarding the item and Officer Recommendation.</p>

**14. CLOSURE**

There being no further business, the Presiding Member declared the Forum closed at 8.27pm