

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
5 FEBRUARY 2013
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 19 February 2013

DISTRIBUTED: 8 February 2013

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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 February 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, Governance & Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R A 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, Russell Aubrey

COUNCILLORS

Cr D Macphail (Deputy Mayor)
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 Foxton
Cr C Robartson, Cr R Willis

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr B Taylor	A/Director Corporate Services
Mrs C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Strategic Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast (until 8.15pm)	Manager Statutory Planning
Mrs A Templeton (until 8.14pm)	Planning Services Coordinator
Mr R Bailey (until 8.32pm)	Special Projects Officer
Mr J Clark	Governance and Compliance Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were eight members of the public and one 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

Nil

4.3 APPLICATIONS FOR NEW LEAVES OF ABSENCE

Councillor C Robartson

At 6.35pm Cr Willis moved, seconded Cr Reynolds -

That the application for new leave of absence submitted by Councillor Robartson on 5 February 2013 be granted.

At 6.35pm the Mayor submitted the motion which was declared

CARRIED (13/0)

5. QUESTION TIME

Nil

6. DISCLOSURE OF INTEREST

Nil

7. DEPUTATIONS

- **P13/3365** – Ms M Logan Owner of 6B Sweetman Street, Ardross
- **P13/3366** – Mr P Lomma from Lomma Homes
- **P13/3366** – Mr B Ivers adjoining neighbour at 8 Millington St Ardross

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

P13/3364	Amendment to Planning Approval to Allow Health Club to Operate During Weekends at 1 Shields Crescent, Booragoon
	<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>

P13/3365	Reconsideration of Proposed Two-Storey Single House at Lot 1 (6A) Sweetman Street, Ardross
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning</p> <p>DEPUTATION PRESENTATION/S From 6.42pm until 6.46pm a deputation was heard from Ms Logan, Owner of 6B Sweetman Street, Ardross</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested details regarding the proposed floor area of the upper floor. The information will be provided in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation.</p>

At 7.02pm Mr Hitchcock left the meeting and returned at 7.12pm.

P13/3367	Proposed Kite Surfing School at Point Walter, Bicton
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM It was agreed at the meeting that this item was not a Quasi Judicial Item and should be changed to an Advocacy Item. Elected Members requested information about possible conflicts between different users of the river. 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>

P13/3370	Proposed Stand Up Paddle Board Lessons and Tours at the Point Walter Spit
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM It was agreed at the meeting that this item was not a Quasi Judicial Item and should be changed to an Advocacy Item. Elected Members requested information on the depth of the water in the location where the paddle board lessons would occur. Elected Members also requested information about possible conflicts between different users of the river. 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 7.35pm the Chief Executive Officer left the meeting and returned at 7.37pm.

P13/3366	Proposed Two-Storey Single House at Lot 801 (6B) Millington Street, Ardross
	<p>OFFICER PRESENTATION Amanda Templeton – Planning Services Coordinator</p> <p>DEPUTATION PRESENTATION/S From 7.28pm until 7.34pm a deputation was heard from Mr P Lomma from Lomma Homes From 7.46pm until 7.56pm a deputation was heard from Mr B Ivers adjoining neighbour at 8 Millington St Ardross</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested officers to mediate between the two parties regarding application of Lumisty film to protect privacy. This information will be provided to Elected Members in the Elected Members Bulletin. It was identified that the Officer Recommendation would require an amendment to change the words “single storey” in part A to “two storey” General discussion also took place regarding the item and officer recommendation.</p>

At 8.14pm Mrs Templeton left the meeting.

At 8.15pm Mr Prendergast left the meeting.

At 8.16pm Ms Tranchita left the meeting and returned at 8.18pm

At 8.27pm Cr Reidy left the meeting and returned at 8.29pm

At 8.28pm Cr Kinnell left the meeting and returned at 8.30pm

T13/3363	The Esplanade Mount Pleasant Footpath Encroachment, House Number 203 and 201A
	<p>OFFICER PRESENTATION Roy Bailey – Special Projects Officer</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM The CEO advised the meeting that this report would be made confidential and be removed from the agenda as it contained valuation advice. Elected Members requested further information regarding which capital project would be effected as a consequence of any possible transaction. General discussion also took place regarding the item and officer recommendation.</p>

C13/5269	Nomination of City of Melville Local Government Members for Development Assessment Panels
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance and Compliance Program Manager</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Nominations to be submitted to Mr J Clark, Governance & Compliance Program Manager. No discussion took place regarding the Item and officer recommendation.</p>

C13/5000	Common Seal Register
	<p>OFFICER PRESENTATION – IF REQUESTED Bruce Taylor – A/Director Corporate Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested information on which houses are indicated under the Withdrawal of Caveat and what was the nature of the withdrawal, Elected Members also requested further information on the Deed of Licence between the City and Brentwood Karoonda Sporting Association and Deed of Variation between the City and Melville Football Club and Scheme Amendment 63. 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>

C13/6000	Investment Statements November and December 2012
	<p>OFFICER PRESENTATION– IF REQUESTED Bruce Taylor – A/Director Corporate Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested further information regarding the current total of realised investment losses sustained by the City, what makes up the Creditor and Restricted Fund accounts in the Municipal Fund Working Capital and also information as to why has the partial loss sustained by the Corsiar Cayman Kakadu CDO decreased from 10.6% to 8.6%. 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>

C13/6001	Schedule of Accounts November and December 2012
	<p>OFFICER PRESENTATION– IF REQUESTED Bruce Taylor – A/Director Corporate Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested information as to why the City of Melville is buying \$1,800 of mulch as shown in the Schedule of Accounts 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>

C13/6002	Financial Statements
	OFFICER PRESENTATION– IF REQUESTED Bruce Taylor – A/Director Corporate Services
	DEPUTATION PRESENTATION/S Nil
	DISCLOSURE OF INTEREST Nil
	NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.

9. CLOSURE

There being no further business, His Worship the Mayor declared the Forum closed at 8.55pm.