

**NOTES OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
TUESDAY 1 OCTOBER 2013  
COMMENCED AT 6.30PM  
AT THE MELVILLE CIVIC CENTRE  
2<sup>ND</sup> FLOOR IN THE COUNCIL CHAMBERS  
10 ALMONDBURY ROAD, BOORAGOON**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

## CONTENTS PAGE

	<b>Item Description</b>	<b>Page Number</b>
<b>URBAN PLANNING</b>		
<b>P13/3429</b>	Proposed Kite Surfing School at Point Walter Spit	6
<b>P13/3430</b>	Proposed Kite Surfing School at Point Walter Spit, Bicton and Melville Beach, Applecross	6
<b>P13/3431</b>	Proposed Paddle Boarding Lessons at Point Walter Spit	7
<b>P13/3432</b>	Revocation of Council Policy CP-057 Scheme Amendments Relating to Rome Road Melville	7
<b>P13/3433</b>	Adjustment of Boundaries Between South of Perth Yacht Club and Heathcote Lower Land	8
<b>TECHNICAL SERVICES</b>		
Nil		
<b>COMMUNITY DEVELOPMENT</b>		
Nil		
<b>MANAGEMENT SERVICES</b>		
<b>M13/5000</b>	Common Seal Register	9
<b>CORPORATE SERVICES</b>		
<b>C13/6000</b>	Investment Statements for August 2013	9
<b>C13/6001</b>	Schedule of Accounts for August 2013	10
<b>C13/6002</b>	Financial Statements for August 2013	10
<b>CONFIDENTIAL ITEM</b>		
<b>C13/5319</b>	Attadale South Underground Power Project Specified area rate request for concessions for the commercial properties in Hislop Road – Ince Road Commercial Centre Financial Statements for August 2013	11



Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday 1 October 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 notes and then His Worship the Mayor 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 N Pazolli  
Cr Taylor-Rees, Cr J Barton  
Cr A Nicholson  
Cr R Hill  
Cr M Reynolds  
Cr C Robartson, Cr R Willis

### **WARD**

City  
Applecross / Mount Pleasant  
Bicton / Attadale  
City  
Palmyra / Melville / Willagee  
University  
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 L Hitchcock	Executive Manager Legal Services
Mr M Spencer (until 8.15pm)	Senior Strategic Urban Planner
Ms A Templeton (until 7.50pm)	Planning Services Coordinator
Mr W Nicholls (from 7.45pm)	A/Senior Management Accountant
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance and Property Officer
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there was one member of the public and no member from the Press in the Public Gallery.

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

Cr R Kinnell – Palmyra – Melville – Willagee Ward

**4.2 APPROVED LEAVE OF ABSENCE**

Cr P Reidy – Applecross - Mount Pleasant Ward  
Cr N Foxtton – University Ward

**4.3 APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil

**5. QUESTION TIME**

Nil.

**6. DISCLOSURE OF INTEREST**

P13/3433 – His Worship the Mayor – Code of Conduct  
P13/3433 – Cr Pazolli – Code of Conduct  
P13/3433 – Cr Macphail – Code of Conduct  
P13/3433 – Cr Reynolds – Code of Conduct  
C13/5319 – Cr Barton – Financial Interest

**7. DEPUTATIONS**

Nil

**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 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.**

**9. AGENDA ITEMS FOR PRESENTATION**

At 6.44pm Mr Tieleman left the meeting and returned at 7.03pm

<b>P13/3429</b>	<b>Proposed Kite Surfing School at Point Walter Spit, Bicton</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – 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 further information as to why the City of Melville is going ahead with the application for a proposed kite surfing school at Point Walter before the new regulations are drafted, also that the City make further enquiries as to why the City of Cockburn have banned kite surfing schools 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 7.14pm Cr Reynolds left the meeting and returned at 7.17pm.

At 7.26pm Cr Pazolli left the meeting and returned at 7.31pm.

At 7.31pm Cr Macphail left the meeting and returned at 7.33pm.

<b>P13/3430</b>	<b>Proposed Kite Surfing School at Point Walter Spit, Bicton and Melville Beach Road</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – 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 information on whether Melville Beach Road between Nairn and Dee Road is part of the cycle network and whether parking in this area is appropriate, and whether the Swan River Trust considers the safety of road users in its assessment. 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 Cr Nicholson left the meeting and returned at 7.39pm

<b>P13/3431</b>	<b>Proposed Paddle Boarding Lessons at Point Walter Spit</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – 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> No discussion took place regarding the item and officer recommendation.</p>

At 7.45pm Mr Nicholls entered the meeting.

At 7.46pm The CEO left the meeting and returned at 7.48pm

At 7.46pm Mr Tieleman left the meeting and returned at 7.48pm

<b>P13/3432</b>	<b>Revocation of Council Policy CP-057 Scheme Amendments Relating to Rome Road Melville</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Templeton – 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 7.50pm Ms Templeton left the meeting.

At 7.51pm Mr Spencer entered the meeting

Mayor Aubrey and Crs Pazolli, Macphail and Reynolds declared an interest in item P13/3433 - Adjustment of Boundaries between South of Perth Yacht Club and Heathcote Lower Land.

At 7.51pm Cr Willis moved, seconded Cr Taylor – Rees

**That in accordance with Section 5.68 (1) of the Local Government Act 1995 His Worship the Mayor, Cr Pazolli, Cr Macphail, and Cr Reynolds be allowed to stay, discuss and vote.**

At 7.51pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

At 7.52pm Ms Young left the meeting and returned at 7.54pm

<b>P13/3433</b>	<b>Adjustment of Boundaries Between South of Perth Yacht Club and Heathcote Lower Land</b>
	<p><b>OFFICER PRESENTATION</b> Martin Spencer – Senior Strategic Urban Planner</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> His Worship the Mayor – Code of Conduct Cr Macphail – Code of Conduct Cr Pazolli – Code of Conduct Cr Reynolds – Code of Conduct</p> <p><b>NOTES FROM FORUM</b> Elected Members requested further information regarding</p> <ul style="list-style-type: none"> <li>• the current configuration of taxi zones which allowed a place for taxis to pick up and drop off</li> <li>• Whether there would be a reasonable queuing distance for vehicles arriving for functions without interfering with the function of the roundabout on Duncraig Road,</li> <li>• Whether a queuing distance has been taken into account in the current proposal.</li> </ul> <p>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 8.15pm Mr Spencer left the meeting.

<b>M13/5000</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 for August 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 for August 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> Elected Members requested further information as to why the City of Melville has more than one company carrying out works on erosion. This information will be provided to Elected Members in the Elected Members Bulletin.</p>

<b>C13/6002</b>	<b>Financial Statements for August 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>

**CONFIDENTIAL ITEM**

At 8.25pm Cr Willis moved, seconded Cr Hill –

**That the meeting be closed to the public to permit discussion on a confidential matter (Item C13/5319 which relates to Attadale South Underground Power Project Specified area rate request for concessions for the commercial properties in Hislop Road – Ince Road Commercial Centre**

At 8.26 pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

At 8.27pm Cr Barton having declared an interest in this item, left the meeting.

<b>C13/5319</b>	<b>Attadale South Underground Power Project Specified area rate request for concessions for the commercial properties in Hislop Road – Ince Road Commercial Centre</b>
	<p><b>OFFICER PRESENTATION</b> Wayne Nicholls – A/Senior Management Accountant and Marten Tieleman – Director Corporate Services</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Cr Barton – Financial Interest</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 8.39pm Cr Willis moved, seconded Cr Hill –

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

At 8.39pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (9/0)**

At 8.39pm Cr Barton returned to the meeting.

**10. CLOSURE**

There being no further business, The Presiding Member declared the Forum closed at 8.40pm.