

**NOTES OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
TUESDAY 5 AUGUST 2014  
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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**DISTRIBUTED: 8 August 2014**

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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 August 2014 commenced 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 and the Purpose of the Agenda Briefing Forum and then His Worship the Mayor advised that the meeting was being recorded for minute taking purposes and 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 N Foxtton, Cr M Reynolds  
Cr C Schuster, Cr N Pazolli  
Cr J Barton  
Cr R Aubrey, Cr D Macphail  
Cr R Hill, Cr P Phelan  
Cr R Willis, Cr C Robartson

### WARD

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

## 3. IN ATTENDANCE

### Staff in Attendance:

Dr S Silcox	Chief Executive Officer
Mr B Taylor	A/Director Corporate Services
Ms 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 J Clark	Governance and Compliance Program Manager
Mr P Prendergast (Until 7.51pm)	Manager Statutory Planning
Ms A Leith (Until 7.51pm)	Planning Services Coordinator
Ms K Brosztl (Until 6.50pm)	Manager Engineering Design
Mr N Fimmano	Governance & Property Officer
Ms R Davis	Minute Secretary

At the commencement of the meeting there were two 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**

Cr S Taylor-Rees – Bicton / Attadale

**4.3 APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil

**5. QUESTION TIME**

Nil

**6. DISCLOSURE OF INTEREST**

P14/3522 – Cr J Barton – Code of Conduct  
T14/3531 – Cr C Schuster – Financial Interest

**7. DEPUTATIONS**

Nil

**8. PETITION**

Nil

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

Nil

**10. REQUEST OF ITEMS BROUGHT FORWARD**

T14/3529 – Fiona Stanley Hospital Precinct Dedication of Roads  
T14/3530 – Proclamation of Changes to Ramp and Path within Fiona Stanley Interchange

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

Nil

**12. BUSINESS**

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## **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.

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## 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 6.35pm the Mayor requested that items T14/3529 and T14/3530 be brought forward for discussion.

At 6.39 pm Cr Schuster left the meeting and returned at 6.40pm.

<b>T14/3529</b>	<b>Fiona Stanley Hospital Precinct Dedication of Roads</b>
	<p><b>OFFICER PRESENTATION</b> Kimberly Brosztl – Manager Engineering Design</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 relating to groundwater allocation for irrigation to the planted areas of the Fiona Stanley Hospital Precinct this question was taken on notice and a response will be provided in the Elected Members Bulletin.</p> <p>General discussion also took place regarding the item and Officer recommendation.</p>

<b>T14/3530</b>	<b>Proclamation of Changes to Ramp and Path Within Fiona Stanley Interchange</b>
	<p><b>OFFICER PRESENTATION</b> Kimberly Brosztl – Manager Engineering Design</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 6.50pm Ms Brosztl left the meeting.

<p><b>P14/3522</b></p>	<p><b>Initiation of Amendment No. 72 to Community Planning Scheme No. 5 to Allow an Additional Use of ‘Restaurant’ and ‘Small Bar’ on Lots 800-801 (No. 12-14) Forbes Road, Lots 802-804 (No. 40A-40C) Kishorn Road &amp; Lot 88 (No. 42) Kishorn Road, Applecross</b></p>
	<p><b>OFFICER PRESENTATION</b> Peter Prendergast – Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Cr Barton –Code of Conduct</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and Officer recommendation.</p>

<p><b>P14/3525</b></p>	<p><b>Final Adoption of Council Policy – 058: Flood and Security Lighting</b></p>
	<p><b>OFFICER PRESENTATION</b> Peter Prendergast – 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>

At 7.29pm Cr Foxtan left the meeting and returned at 7.33pm.

<b>P14/3526</b>	<b>Review of Council Policy 079: Car Parking and Access</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Leith – 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 Cr Reynolds left the meeting and returned at 7.53pm.

<b>P14/3527</b>	<b>Review of Council Policy: 085 – Provision of Public Art In Development Proposals</b>
	<p><b>OFFICER PRESENTATION</b> Amanda Leith – 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 7.51pm Ms Leith and Mr Prendergast left the meeting.  
At 7.54pm Ms Young left the meeting and returned at 7.56pm.

At 7.55pm, Cr Schuster having declared a financial interest in item T14/3531, left the meeting whilst the Council voted on his request to stay and discuss.

At 7.56pm Cr Willis moved, seconded Cr Reynolds:

**That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Schuster be allowed to stay and discuss.**

At 8.08pm the Mayor submitted the motion, which was declared

**Carried (10/1)**

<b>Vote Result Summary</b>	
Yes	10
No	1

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Pazolli	No

At 8.08pm Cr Schuster returned to the meeting.  
At 8.08pm Cr Aubrey left the meeting and returned at 8.10pm.

<b>T14/3531</b>	<b>Waste Review</b>
	<p><b>OFFICER PRESENTATION</b> John Christie – Director Technical Services</p> <p><b>DEPUTATION PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Cr Schuster – Financial Interest</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and Officer recommendation.</p>

<b>M14/5000</b>	<b>Common Seal Register</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Jeff Clark – Governance &amp; 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>M14/5373</b>	<b>Proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Laws 2014</b>
	<p><b>OFFICER PRESENTATION</b> Jeff Clark – Governance &amp; 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> General discussion took place regarding the item and Officer recommendation.</p>

<b>C14/6000</b>	<b>Investment Statements for June 2014</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Bruce Taylor – A/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>C14/6001</b>	<b>Schedule of Accounts Paid for June 2014</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Bruce Taylor – A/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>C14/6002</b>	<b>Statements of Financial Activity for June 2014</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Bruce Taylor – A/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>

**14. CLOSURE**

There being no further business, The Presiding Member declared the Forum closed at 8.30pm.