

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 3 JUNE 2014
COMMENCED AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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DISTRIBUTED: 6 June 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 3 June 2014 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 and the Purpose of the Agenda Briefing Forum 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 M Reynolds (Deputy Mayor)
Cr N Foxton
Cr C Schuster
Cr J Barton
Cr R Aubrey
Cr R Hill
Cr R Willis, Cr Robartson

WARD

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

3. IN ATTENDANCE

Dr S Silcox (until 8.27pm)	Chief Executive Officer
Mr M Tieleman (until 8.27pm)	Director Corporate Services
Ms C Young (until 8.27pm)	Director Community Development
Mr J Christie (until 8.27pm)	Director Technical Services
Mr S Cope (until 8.27pm)	Director Strategic Urban Planning
Ms K Johnson	Executive Manager Organisational Development
Mr J Clark	A/Executive Manager Legal Services
Mr P Prendergast (until 7.15pm)	Manager Statutory Planning
Ms K Brosztl (until 8.14pm)	Manager Engineering Design
Mr K Khalil (until 8.14pm)	Traffic and Road Safety Coordinator
Mr D Cracknell (until 7.59pm)	Senior Strategic Urban/Property Planner
Mr W Schaefer (until 7.59pm)	Strategic Urban Planner
Mr N Fimmano (until 8.27pm)	A/Governance and Compliance Program Manager
Ms S Tranchita (until 8.27pm)	Minute Secretary
Ms S West (until 8.27pm)	Minute Secretary (Trainee)

At the commencement of the meeting there were 3 members of the public and no member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr S Taylor-Rees – Bicton – Attadale Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr D Macphail – City Ward
Cr N Pazolli – Applecross – Mt Pleasant Ward
Cr P Phelan – Palmyra – Melville – Willagee Ward

4.3 APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.39pm Cr Schuster moved, seconded Cr Willis -

That the two applications for new leave of absence submitted by Cr Reynolds on 3 June 2014 be granted.

At 6.39pm the Mayor submitted the motion which was declared
CARRIED UNANIMOUSLY (9/0)

Question of Privilege

At 6.41pm Cr Reynolds requested approval to raise a question of privilege.

At 6.44pm the Mayor requested the consent and approval of the Council for the question of privilege to be raised, which was declared

CARRIED (8/1)

For – Mayor Aubrey, Cr Aubrey, Cr Foxtan, Cr Hill, Cr Reynolds, Cr Robartson Cr Schuster,
Cr Willis
Against – Cr Barton

Reason for Question of Privilege

"I request that Cr Pazolli withdraws his accusation of disrespect (relating to the "point of order") he called at the Council Meeting held on the 20 May 2014. I will require a full apology and also ask that he explain why he felt it necessary to make that call, argue when an accurate explanation was given, and to waste meeting time.

I make the point that failure to comply with this reasonable request will lead to the commencement of grievance procedures against Cr Pazolli."

5. QUESTION TIME

5.1 Ms Mary-Ann Oliver, Booragoon

Question 1

In the Strategic Risk Assessment Report (R.5.9) in the agenda to be discussed at the next council meeting, what are the "objectives and outcomes" that the City perceives Friends groups are operating against?

Response

The Chief Executive Officer responded by saying that he was not aware of the objectives and outcomes that the City perceives friends groups were operating against. The City is not perceiving anything at this stage, essentially it has become obvious around the State that friends groups sometimes operate separately from the City. They work on City land and on City property. The City has a strategic plan and management plans in relation to reserves and the like and where they operate inconsistent with the City, then that is a risk for the City.

The Report is not necessarily referring to any particular group or friends groups within the City, its just an identified risk as we have other identified risks that hopefully will never happen but identified as a risk. If we have a number of friends groups that worked against the City that would be a negative outcome for the City in achieving its strategic plan and management plans in relation to those specific areas of which are under the City's control.

Question 2

The minutes of the last council meeting on May 20th 2014, do not hold any record of the submission by the Friends of Booragoon and Blue Gum Lakes, despite many pages being dedicated to the submission by the Blue Gum Park Tennis Club. Why not and when will this omission be rectified?

Response

The Acting Executive Manager of Legal Services responded by saying that the submissions by the Friends of Booragoon and Blue Gum Lakes would have been taken into account in the preparation of the report, and any matters that have been raised would have been considered within the body of the report.

Submissions are not usually quoted verbatim in a report and correspondence is not normally provided as an attachment.

Question 3

A question relating to a statement made by Cr Aubrey at the Ordinary Meeting of the Council on 20 May 2014 was received from Ms Mary-Ann Oliver of Booragoon. The question addresses a matter concerning photographs of Friends of Booragoon and Blue Gum Lakes vehicles. The question included personal statements that are not a matter affecting the City and could be addressed to Cr Aubrey personally.

The question does not relate to a matter affecting the City and a response is not required.

DISCLOSURE OF INTEREST

P14/3501 - Cr C Schuster – Interest under the Code of Conduct
M14/5371 - Dr S Silcox – 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

Nil.

11. REPORTS BY THE CHIEF EXECUTIVE OFFICER

Nil.

12. 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.

13. AGENDA ITEMS FOR PRESENTATION

P14/3509	Two storey dwelling with Undercroft at Lot 299 (No. 9) Stoke Street, Mount Pleasant
	<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 Elected Members requested to have a clear plan that shows the location of the cross sections on each elevation of the home. This information will be provided in the Elected Members Bulletin. General discussion also took place regarding the item and officer recommendation.</p>

At 7.04pm the Mayor requested that item P14/3507 – be brought forward for discussion

P14/3507	Review and Amalgamation of Four Existing Council Policies (CP-042: Development Approvals, Cp-044: Development Advisory Unit, Cp-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures and Cp-056: Planning Process and Decision Making)
	<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 General discussion took place regarding the item and officer recommendation.</p>

At 7.15pm Mr Prendergast left the meeting.

P14/3499	Final adoption of 2014 Local Government Inventory and Community Planning Scheme No. 5 Heritage List
	<p>OFFICER PRESENTATION Will Schaefer – Strategic Urban Planner</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>

P14/3501	Final Adoption of the Riseley Centre Structure Plan
	<p>OFFICER PRESENTATION Dean Cracknell – Senior Strategic Urban/Property Planner</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Cr C Schuster – Interest under the Code of Conduct</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

P14/3502	City of Melville Car Parking Strategy
	<p>OFFICER PRESENTATION Dean Cracknell – Senior Strategic Urban/Property Planner</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>

At 7.59pm Mr Cracknell and Mr Schaefer left the meeting.
At 7.59pm Cr Schuster left the meeting and returned at 8.02pm.
At 8.09pm Ms Young left the meeting and returned at 8.11pm

T14/3511	Intersection of Leach Highway and Winthrop Drive – Access Into Primewest Shopping Complex
	<p>OFFICER PRESENTATION Kimberly Brosztl – Manager Engineering Design</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested that the City work with the owner of the commercial business/s to install more signage on the McCoy Street access and to provide better education and signage to the community, and that consideration be given for the installation of a “no u turn” sign at Winthrop Drive. Elected Members also requested to have a media release from the Chief Executive Officer or some other form of advertisement in the local paper that relates to the actions being proposed. General discussion also took place regarding the item and officer recommendation.</p>

At 8.14pm Ms Brosztl and Mr Kahlil left the meeting.
At 8.14pm Cr Reynolds left the meeting.

M14/5000	Common Seal Register
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – A/Executive Manager Legal Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

At 8.16pm Cr Reynolds returned to the meeting.

At 8.17pm Cr Foxton left the meeting and returned at 8.19pm.

M14/3569	Review of City of Melville Delegated Authority Manual
	<p>OFFICER PRESENTATION Jeff Clark – A/Executive Manager Legal Services</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>

C14/6000	Investment Statements for April 2014
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C14/6001	Schedule of Accounts Paid for April 2014
	<p>OFFICER PRESENTATION– IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C14/6002	Statements of Financial Activity for April 2014
	<p>OFFICER PRESENTATION– IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

M14/5370	Policy Review – Organisational Development
	<p>OFFICER PRESENTATION Kylie Johnson – Executive Manager Organisational Development</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

At 8.24pm Cr Schuster moved, seconded Cr Willis:

That the meeting be closed to the public to permit discussion on a confidential matter (Item M14/5371 which relates to the Chief Executive Officer Contract covered under Section 5.23 (2) (c) of the Local Government Act 1995.

At 8.24pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (9/0)

At 8.24pm The Chief Executive Officer having declared an interest in this item, left the meeting.

At 8.24pm Mr Christie, Mr Cope, Mr Fimmano, Mr Tieleman, Ms Tranchita, Ms West and Ms Young left the meeting.

M14/5371	Chief Executive Officer Contract
	<p>OFFICER PRESENTATION Kylie Johnson – Executive Manager Organisational Development</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Chief Executive Officer – Financial Interest</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8.36pm Cr Schuster moved, seconded Cr Robartson:

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

At 8.36pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (9/0)

13. CLOSURE

There being no further business, The Presiding Member declared the Forum closed at 8.37pm