

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 4 AUGUST 2015
COMMENCING AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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DISTRIBUTED: 7 August 2015

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon, on Tuesday 4 August 2015 that 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 J Clark, Governance and Compliance Program Manager, read aloud the Disclaimer and the Purpose of the Agenda Briefing Forum and then 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 M Reynolds, Cr N Foxtan
Cr C Schuster
Cr J Barton, Cr S Taylor -Rees
Cr P Phelan
Cr R Willis, Cr C Robartson
Cr D Macphail, Cr R Aubrey

WARD

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

3. IN ATTENDANCE

Dr Shayne Silcox
Mr S Cope
Mr J Christie
Mr B Dawkins
Mr L Hitchcock
Mr B Taylor
Mr G Ponton
Mr P Prendergast (Until 7.43pm)
Ms A Leith (Until 7.43pm)
Mr W Schaefer (Until 7.48pm)
Mr D Cracknell
Mr J Clark
Mr N Fimmano

Chief Executive Officer
Director Urban Planning
Director Technical Services
A/Director Community Development
Executive Manager Legal Services
Manager Financial Services
Manager Strategic Urban Planning
Manager Statutory Planning
Planning Services Coordinator
Strategic Urban Planner
Senior Strategic Urban/Property Planner
Governance and Compliance Program Manager
Governance and Property Officer

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

4. APOLOGIES

4.1 APOLOGIES

Cr Pazolli - Applecross / Mount Pleasant Ward

4.2 APPROVED LEAVE OF ABSENCE

Nil

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

Nil.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

6. QUESTION TIME

Nil

7. DISCLOSURE OF INTEREST

7.1 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

NIL

8. DEPUTATIONS

Nil.

9. PETITION

Nil.

10. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED

P15/3650 - Approval of Land Exchange and Development Agreements With AMP Capital

11. REQUEST OF ITEMS BROUGHT FORWARD

Nil.

12. REPORTS BY THE CHIEF EXECUTIVE OFFICER

Nil.

13. 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 deputation must relate to a report on the meeting agenda.

- (a) Notice of a request for deputation must be in writing and include the name, office and contact details of members of the deputation and be forwarded to the Chief Executive Officer, by either **Mail** at Locked Bag 1, Booragoon WA 6954, **Email** at deputations@melville.wa.gov.au or **Fax** on 9364 0285 by 9.00am on the Monday prior to the meeting.
- (b) The request should be received at least two working days before the meeting and a response will be given by the Governance and Compliance Program Manager. If approved the G&CPM will respond to the email and include as attachments the "Guidelines and Protocols" document and the "purpose of the Agenda Briefing Forum".
- (c) A deputation may comprise a maximum of three people of which only two may speak.
- (d) An outline of the points to be made in addressing the Council, Agenda Briefing Forum or the Committee must be submitted in writing by 9.00am on Monday prior to the meeting.
- (e) The person/s requesting the deputation will be required to advise the main points they wish to make in a given time of 10 minutes (dot points are fine).
- (f) The representatives of the deputation will be met in the Council Chamber of the Civic Centre by a Council Officer 10 minutes prior to the commencement of the meeting.
- (g) 20 hardcopies of the presentation will be required if a copy of the presentation is to be distributed to Elected Members and staff.
- (h) 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.
- (i) The deputation period, including the time allowed for the questions and answers from Members of the Committee, should not exceed 15 minutes, of which 10 minutes is for the presentation and five minutes is for question time, unless the Council grants an extension of time.
- (j) 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.

14. AGENDA ITEMS FOR PRESENTATION

P15/3647	Four Storey Mixed Use Development Comprising Two Offices and Five Multiple Dwellings at Lot 2 (No. 323) Canning Highway, Palmyra
	<p>OFFICER PRESENTATION Amanda Leith – Planning Services Coordinator</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested that the following information be provided to them:</p> <ul style="list-style-type: none"> • When was Landscaping Condition No.9 last reviewed. • What is the cost of the Development and what is the percentage contribution for the Public Art. • Detailed Landscaping Plan be obtained. <p>This information will be provided to Elected Members in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation</p>

P15/3648	Review of Council Policy CP-049: Child Minding Centres and Family Day Care
	<p>OFFICER PRESENTATION Amanda Leith – Planning Services Coordinator</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested that a Legal advice be obtained to ascertain whether the provisions of the Policy can override the provisions within Community Planning Scheme No. 5. This information will be provided to Elected Members in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation</p>

P15/3649	Review of Council Policy 045: Exhibition / Display Homes
	<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 No discussion took place regarding the item and officer recommendation.</p>

At 7.22pm Cr Reynolds left the meeting, and returned at 7.24pm.
At 7.24pm Cr Phelan left the meeting, and returned at 7.27pm.
At 7.34pm Cr Foxton left the meeting, and returned at 7.36pm.

P15/3651	Review of Council Policy 093: Outdoor Advertisements and Signage
	<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 that the various amendments as discussed at the meeting be made to the Policy and Officers provided confirmation that the suggested changes would be made. General discussion took place regarding the item and officer recommendation.</p>

At 7.43 Mr Prendergast and Ms Leith left the meeting

P15/3652	Final Adoption of Amendment No. 78 to Community Planning Scheme No. 5 – Canning Bridge Structure Plan
	<p>OFFICER PRESENTATION William 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>

M15/5000	Common Seal Register
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance & Compliance Program Manager</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>

C15/6000	Investment Statements for June 2015
	<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>

C15/6001	Schedule of Accounts Paid for June 2015
	<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>

C15/6002	Statements of Financial Activity for June 2015
	<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 Elected Members requested clarification on the \$2.1million carry over for Community Amenities, whether this is a real savings or a timing issue? This information will be provided to Elected Members in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation</p>

At 7.48pm Mr Schaefer left the meeting.

15. BEHIND CLOSED DOORS

At 7.49pm Cr Schuster moved, seconded Cr Aubrey–

That the meeting be closed to the public to permit discussion on a confidential matter (P15/3650 – Approval of Land Exchange and Development Agreement with AMP Capital) covered under section 5.23 (2) (c) of the Local Government Act 1995, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and (e) a matter that if disclosed would reveal – information that has commercial value to a person; ...where the trade secret or information is held by, or is about, a person other than the local government;...

At 7.49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

P15/3650	Approval of Land Exchange and Development Agreements With AMP Capital
	<p>OFFICER PRESENTATION Mr D Cracknell - Senior Strategic Urban/Property Planner</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested that the following matters be actioned and/or provided:</p> <ul style="list-style-type: none"> • Clearer copies of the relevant Plans • The correct address for the City of Melville to be included in the relevant documents. • Clarification of Clause 6.6 in the Land Exchange Agreement regarding the sign off on contamination. • Clarification of Clause 9(2) in the Development Agreement regarding the nature of any conditions that might be imposed? • What is the size of the current Library? <p>This information will be provided to Elected Members in the Elected Members Bulletin. General discussion took place regarding the item and officer recommendation</p>

At 8.13pm 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 8.13pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

No members of the public returned to the meeting.

16. CLOSURE

There being no further business, The Presiding Member declared the Forum closed at 8.14pm.