

**NOTES OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
TUESDAY 3 NOVEMBER 2015  
COMMENCING 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: 6 NOVEMBER 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 3 November 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 C Schuster (Deputy Mayor)  
Cr N Pazolli  
Cr J Barton, Cr G Wieland  
Cr C Robartson, Cr M Woodall  
Cr R Aubrey, Cr D Macphail  
Cr P Phelan, Cr L O'Malley  
Cr N Foxtton, Cr T Barling

### **WARD**

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

## 3. IN ATTENDANCE

Dr S Silcox  
Ms K Johnson  
Mr S Cope  
Mr J Christie  
Ms C Young  
Mr L Hitchcock  
Mr J Bird (Until 9.00pm)  
Mr B Dawkins (Until 9.04pm)  
Mr P Prendergast (Until 8.04pm)  
Mr M Scarfone (Until 8.04pm)  
Mr D Cracknell (Until 8.28pm)  
Mr J Clark  
Mr N Fimmano

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

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

#### **4. APOLOGIES AND 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**

##### **6.1 Mr Mark Graham, Alfred Cove**

###### Question 1

*Why did the City of Melville Planning Section not ask for comment from affected neighbours for the initial planning application for development at 14 Clydesdale Street, Alfred Cove when it didn't comply with the R Codes?*

###### Response

The Director of Urban Planning responded by saying that the R Codes indicate that advertising is appropriate where there is a significant impact to amenity. Under the R Codes and Council Policy the impact in this case was considered to be relatively minor.

###### Question 2

*What actions did the Compliance Officer take from 10 May 2015 to 29 July 2015 when the construction was found not to be in compliance with planning approval?*

###### Response

The Director of Urban Planning responded by saying that where a construction is found not to be in accordance with Planning Approval, one option is to seek a development application and that is what has occurred in this case.

**6.1 Mr Mark Graham, Alfred Cove (Continued)**Question 3

*Will those responsible for building this construction without planning approval be prosecuted?*

Response

The Director of Urban Planning responded by saying that currently there is an application before Council for consideration and should the application be approved the prosecution option would not be pursued.

**7. DISCLOSURE OF INTEREST**

NIL

**8. DEPUTATIONS**

- P15/3674 Retrospective Amendment to Southern Setback of Two Storey Dwelling at Lot 1 (14) Clydesdale Street, Alfred Cove  
Mark Graham
- P15/3675 Four Storey Mixed Use Commercial Development at Lot 1 (31F) Ardross Street, Applecross  
David Michelin, Design Manager – Sovereign Building Company,  
Astute Homes

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

NIL

**10. 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 6.30pm 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](mailto: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.

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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.**



**10. AGENDA ITEMS FOR PRESENTATION**

At 7.33pm Cr Schuster left the meeting, and returned at 7.36pm.

<b>P15/3674</b>	<b>Retrospective Amendment to Southern Setback of Two Storey Dwelling at Lot 1 (14) Clydesdale Street, Alfred Cove</b>
	<p><b>OFFICER PRESENTATION</b> Peter Prendergast - Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> From 6.38pm to 7.06pm a deputation was heard from Mr Mark Graham</p> <p><b>DISCLOSURE OF INTEREST</b> Nil</p> <p><b>NOTES FROM FORUM</b></p> <p><b>NOTES FROM FORUM</b> Elected Members requested confirmation as to whether window number one, as currently constructed, was in accord with the January 2015 Planning Approval.</p> <p>This information will be provided to Elected Members in the Elected Members Bulletin.</p> <p>General discussion took place regarding the item and officer recommendation.</p>

<b>P15/3675</b>	<b>Two Story Mixed Use Commercial Development at Lot 1 (31F) Ardross Street, Applecross</b>
	<p><b>OFFICER PRESENTATION</b> Peter Prendergast - Manager Statutory Planning</p> <p><b>DEPUTATION PRESENTATION/S</b> From 7.40pm to 7.44pm a deputation was heard from Mr David Michelin, Design Manager – Sovereign Building Company, Astute Homes</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 7.54pm Cr Pazolli left the meeting, and returned at 7.57pm.  
At 7.57pm Dr Silcox left the meeting, and returned at 7.59pm.

<b>P15/3676</b>	<b>Four Storey Mixed Use Development Comprising Two Offices and Five Multiple Dwellings at Lot 2 (No. 323) Canning Highway, Palmyra</b>
	<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> Elected Members requested information on the Plot Ratio for the initial proposed development as refused by Council in August 2015.  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 8.04pm Mr Prendergast and Mr Scarfone left the meeting  
At 8.14pm Mr Hitchcock left the meeting, and returned at 8.16pm.  
At 8.22pm Cr Foxton left the meeting, and returned at 8.24pm.

<b>P15/3666</b>	<b>Parking Management Plans for Canning Bridge and Riseley Centre</b>
	<p><b>OFFICER PRESENTATION</b> Dean Cracknell - Senior Strategic Urban / Property Planner</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 8.28pm Mr Cracknell left the meeting.

At 8.29pm Cr Wieland left the meeting, and returned at 8.31pm.  
 At 8.32pm Ms Young left the meeting, and returned at 8.34pm.  
 At 8.39pm Cr Barton left the meeting, and returned at 8.43pm.  
 At 8.54pm Cr Schuster left the meeting, and returned at 8.58pm.

<b>T15/3673</b>	<b>Technical Services Policy Review</b>
	<p><b>OFFICER PRESENTATION</b>          Jeff Bird – Manager Parks and Environment</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 9.00pm Mr Bird left the meeting

<b>CD15/8076</b>	<b>Canning Bridge Parking Station Number 13 The Esplanade Mount Pleasant</b>
	<p><b>OFFICER PRESENTATION</b>          Brodie Dawkins - Manager Neighbourhood Amenity</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 9.04pm Mr Dawkins left the meeting

At 9.09pm Cr Aubrey left the meeting, and returned at 9.11pm.

<b>CD15/8075</b>	<b>Policy Review Community Development</b>
	<p><b>OFFICER PRESENTATION</b> Christine Young - Director Community Development</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>M15/5445</b>	<b>Council Meeting Cycle</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>M15/5446</b>	<b>Salaries and Wages Tribunal – Elected Member Fees, Expenses and Allowances</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>M15/5448</b>	<b>Nomination of City of Melville Local Government Members for Joint Development Assessment Panels</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>M15/5455</b>	<b>Nomination of Representative to the South West Regional Road Group</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. The Chief Executive Officer requested Elected Members who wish to nominate to advise their interest before the Ordinary Meeting of Council.</p>

<b>M15/5000</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. The Chief Executive Officer requested Elected Members who wish to nominate to advise their interest before the Ordinary Meeting of Council.</p>

<b>C15/6087</b>	<b>Supply of In-Situ Concrete Works to the City of Melville for a One Year Term with Option periods CO09/15</b>
	<p><b>OFFICER PRESENTATION</b> Kylie Johnson – 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>C15/6000</b>	<b>Investment Statements for September 2015</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Kylie Johnson – 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>C15/6001</b>	<b>Schedule of Accounts Paid for September 2015</b>
	<p><b>OFFICER PRESENTATION– IF REQUESTED</b> Kylie Johnson – 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>C15/6002</b>	<b>Statements of Financial Activity for September 2015</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Kylie Johnson – 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>

## **11. CLOSURE**

There being no further business to discuss, the Mayor closed the Agenda Briefing Forum at 9.13pm.