

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 29 SEPTEMBER 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: 2 OCTOBER 2015

CONTENTS PAGE

	Item Description	Page Number
URBAN PLANNING		
P15/3671	Variation to Sustainability Provisions of the Canning Bridge Structure Plan	6
TECHNICAL SERVICES		
T15/3659	Investigation into the Establishment of a Permanent Drop Off Location for Recyclable Goods	6
T15/3668	City of Cockburn's Request to Amend the Project Participants' Agreement for the Regional Resource Recovery Centre	7
T15/3669	Refund of Carbon Tax – City of Rockingham	7
COMMUNITY DEVELOPMENT		
Nil.		
MANAGEMENT SERVICES		
M15/5000	Common Seal Register	8
CORPORATE SERVICES		
C15/5438	City of Melville Annual Report 2014/2015	8
C15/6000	Investment Statements for August 2015	9
C15/6001	Schedule of Accounts Paid for August 2015	9
C15/6002	Statements of Financial Activity for August 2015	10
CONFIDENTIAL ITEMS		
T15/3670	Confidential Item Reconsideration of Approval of Southern Metropolitan Regional Council Materials Recovery Facility Transaction – Memorandum of Understanding	11



Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon, on Tuesday 29 September 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 Pazoli
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

Mr J Christie
Mr M Tieleman
Mr S Cope
Mr J Bird
Ms C Young
Mr L Hitchcock
Mr G Ponton until 6.41pm
Mr P Kellick until 6.48pm
Mr J Clark
Mr N Fimmano

A/Chief Executive Officer
Director Corporate Services
Director Urban Planning
A/Director Technical Services
Director Community Development
Executive Manager Legal Services
Manager Strategic Urban Planning
Manager Asset Management
Governance and Compliance Program Manager
Governance and Property Officer

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

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr N Foxtan – University Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr J Barton – Bicton/Attadale Ward

Cr C Schuster – Applecross/Mount Pleasant Ward

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

NIL

8. DEPUTATIONS

NIL

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- **Confidential Item T15/3670 – Reconsideration of Approval of Southern Metropolitan Regional Council Materials Recovery Facility Transaction – Memorandum of Understanding**

The matter is confidential in accordance with 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;...

10. 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 6.30pm 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 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.

10. AGENDA ITEMS FOR PRESENTATION

At 6.35pm Mr Tieleman left the meeting, and returned at 6.37pm.

P15/3671	Variation to Sustainability Provisions of the Canning Bridge Structure Plan
	<p>OFFICER PRESENTATION Gavin Ponton – Manager Strategic Urban 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 6.41 Mr Ponton left the meeting.

T15/3659	Investigation into the Establishment of a Permanent Drop Off Location for Recyclable Goods
	<p>OFFICER PRESENTATION Paul Kellick – Manager Asset Management</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 6.48 Mr Kellick left the meeting.

T15/3668	City of Cockburn's Request to Amend the Project Participants' Agreement for the Regional Resource Recovery Centre
	<p>OFFICER PRESENTATION – IF REQUESTED John Christie – Director Technical 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>

T15/3669	Refund of Carbon Tax – City of Rockingham
	<p>OFFICER PRESENTATION – IF REQUESTED John Christie – Director Technical 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>

M15/5000	Common Seal Register
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance and 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>

C15/5438	City of Melville Annual Report 2014/2015
	<p>OFFICER PRESENTATION Marten Tieleman – Director Corporate 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>

C15/6000	Investment Statements for August 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 August 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 August 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>

At 6.52pm Cr Reynolds moved, seconded Cr Aubrey –

That the meeting be closed to the public to permit discussion on a confidential matter • Confidential Item T15/3670 – Reconsideration of Approval of Southern Metropolitan Regional Council Materials Recovery Facility Transaction – Memorandum of Understanding 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 6.52pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (9/0)

T15/3670	Confidential Item Reconsideration of Approval of Southern Metropolitan Regional Council Materials Recovery Facility Transaction – Memorandum of Understanding
	<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 information on what the financial impact would be to Melville Ratepayers, should the City of Cockburn withdraw from the South Metropolitan Regional Council (SMRC) agreement. Council Officers took this matter on notice and advised that calculations would be made with the SMRC and the information provided prior to the next Council meeting.</p> <p>General discussion took place regarding the item and officer recommendation.</p>

At 7.15 pm Cr Willis moved, seconded Cr Aubrey–

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

At 7.15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (9/0)

11. CLOSURE

There being no further business, The Presiding Member declared the Forum closed at 7.16pm.