



**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 2 FEBRUARY 2016
COMMENCING AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon, on Tuesday 2 February 2016 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 M Woodall, Cr C Robartson
 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	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Ms C Young	Director Community Development
Mr L Hitchcock	Executive Manager Legal Services
Mr P Kellick (Until 10.19pm)	Manager Asset Management
Mr P Prendergast (Until 9.39pm)	Manager Statutory Planning
Ms K Brosztl (Until 9.52pm)	Manager Engineering
Mr R Bailey (Until 9.52pm)	Special Projects Officer
Mr I Davis (Until 10.19pm)	Projects Coordinator
Mr P Wylde (Until 10.19pm)	Fleet Coordinator
Mr M Scarfone (Until 9.39pm)	Planning Services Coordinator
Mr J Clark	Governance and Compliance Program Manager
Mr N Fimmano	Governance and Property Officer

At 6.34pm Mr Tieleman left the meeting, and returned at 6.37pm.

At the commencement of the meeting there were 12 members from the public and no members from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr G Wieland

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.

Cr Pazolli – Item P16/3687 Section 31 Reconsideration for Three Storey (with Undercroft) Multiple Dwelling Development (Three Units) at lot 899 (18A) Tweeddale Road, Applecross

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

Nil

6. QUESTION TIME

6.1 Mr John Newton, Mount Pleasant

Question 1

Who provided the legal advice that formed the basis of the City's response. When and which lawyer provided the legal advice; how much did it cost.

Response

No legal advice was obtained.

Question 2

Who instructed the lawyer, was it Council or the Administration.

Response

No legal advice was obtained.

Question 3

Were all Councillors provided a copy of the legal advice.

Response

No legal advice was obtained.

6.1 Mr John Newton, Mount Pleasant (Continued)Question 4

Have any Councillors requested independent legal advice relative to their obligations and liabilities pursuant to the Local Government acts.

Response

No.

Question 5

Did the instructions include:

- a. a copy of the motion, a draft policy and proposed amendments to the City's complaints procedure.*
- b. a request to identify options to mitigate any issues identified to facilitate the development of procedures to meet, as much as possible, the intent of the proposed policy.*

Response

No legal advice was obtained.

Question 6

Given the motion was unanimously passed at the AGM of Electors why has Council elected not to undertake further community consultation in relation to the motion.

Response

No further community consultation is relevant in order to enable the Council to consider the motion as put at the General Meeting of Electors.

6.2 Mr Gary Crawford, AttadaleQuestion 1

Who authorised the news release?

Response

The Chief Executive Officer advised that he authorised the news release.

Question 2

Is the watch list provided by Minister Simpson post the 10 June 2015 Assemble Estimates Committee A hearing the City means with its reference to "A list was also circulating"?

Response

The Mayor advised that clarification on the question would be sought from Mr Crawford

6.2 Mr Gary Crawford, Attadale (Continued)Question 3

If Minister Simpson's list is not the other list circulating; what is the list the City is referring to?

Response

The Minister referred to a "watchlist" that was a register of local governments who had a complaint lodged with the Department of Local Government and Communities.

Question 4

On what basis has the City concluded that there is misinformation about the other list circulating or the matter is being falsely represented?

Response

The Chief Executive Officer advised that the issue of a watchlist was first raised at the annual General Meeting of Electors; someone mentioned that the City was on the "financial watchlist", this matter was posted on social media by a different person, the matter has since been clarified with the individual who retracted the statement and has also apologised.

There is a list of Councils at financial risk, however, the City of Melville is not on that list.

Question 5

Who at the Department of Local Government and Communities confirmed the other list circulating was being falsely represented as associated with inadequate financial reporting?

Response

The Chief Executive Officer advised that any issues with the watchlist should be taken up with the Department of Local Government and Communities.

Question 6

Why has the Mayor not responded to the Melville Residents for Accountable Local Governments' 17 January letter in relation to this news release?

Response

The Mayor that he was away on leave at that time, however, he has since responded by mail to Mr Crawford.

7. DISCLOSURE OF INTEREST

NIL

8. DEPUTATIONS

- P16/3687 Late Item – Section 31 Reconsideration for Three Storey (with Undercroft) Multiple Dwelling Development (Three Units) at lot 899 (18A) Tweeddale Road, Applecross
Amir Meshkin
- M16/5460 General Meeting of Electors – Motions Carried
 - 1) Mr Gary Crawford
 - 2) Mr Mark McLerie

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

NIL

10. BUSINESS

NIL

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 6.48pm the Mayor requested that items P16/3687 and M16/5460 – be brought forward for discussion.

<p>P16/3687</p>	<p>Late Item - Section 31 Reconsideration for Three Storey (with Undercroft) Multiple Dwelling Development (Three Units) at lot 899 (18A) Tweeddale Road, Applecross</p>
	<p>OFFICER PRESENTATION Peter Prendergast - Manager Statutory Planning in conjunction with Mark Scarfone - Planning Services Coordinator</p> <p>DEPUTATION PRESENTATION/S From 6.49pm to 7.13pm a deputation was heard from Mr Amir Meshkin, representing six neighbours of the 18A Tweeddale Road, development proposal.</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM</p> <p>Elected Members requested that they be provided with the following information:</p> <ul style="list-style-type: none"> • A copy of the presentation given by Mr Meshkin; • A copy of the letter that Mr Meshkin received from Council; • Provide a extract from the Canning Bridge Activity Centre Plan highlighting the subject property; • A copy of the finding regarding the survey undertaken of the site in May 2015; and • A copy of the State Administrative Tribunal orders. <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>

At 7.46pm Cr Aubrey left the meeting, and returned at 7.49pm.

At 7.54pm Cr Schuster left the meeting and returned at 7.54pm.
 At 7.54pm Cr Woodall left the meeting, and returned at 7.57pm.
 At 7.57pm Ms Young left the meeting, and returned at 7.59pm.
 At 8.09pm Cr Phelan left the meeting, and returned at 8.12pm.
 At 8.09pm Cr Macphail left the meeting, and returned at 8.11pm.
 At 8.44pm Cr Phelan left the meeting, and returned at 9.00pm.

M16/5460	General Meeting of Electors – Motions Carried
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance and Compliance Program Manager</p> <p>DEPUTATION PRESENTATION/S From 7.49pm to 7.58pm a deputation was heard from Mr Mr G Crawford regarding Motions 1 to 3 From 8.09pm to 8.51pm a deputation was heard from Mr M McLerie and Mr J Bright regarding Motion 4.</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation</p>

At 8.52pm the meeting was adjourned for a comfort break.
 At 9.02pm the meeting resumed.

P16/3682	Three Storey Single House at Lot 88 (No.19A) Ormond Road, Attadale
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning in conjunction with Mark Scarfone - Planning Services Coordinator</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Elected Members requested a copy of the new Planning and Development (Local Planning Schemes) Regulations 2015. 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>

P16/3683	Two Storey Single House (With Undercroft) at Lot 18 (No.39) Melville Beach Road, Applecross
	<p>OFFICER PRESENTATION Mark Scarfone – Planning Services Coordinator in conjunction with 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>

P16/3685	Review of Council Policy CP-066 Height of Buildings
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning in conjunction with 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 they be provided with a copy of the Canning Highway Corridor Plan approval. General discussion took place regarding the item and officer recommendation.</p>

At 9.39pm Mr Prendergast and Mr Scarfone left the meeting.

T16/3681	State Underground Power Program Round 6
	<p>OFFICER PRESENTATION Kimberly Brosztl – Manager Engineering in conjunction with Roy Bailey - Special Projects Officer</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 9.52pm Ms Brosztl and Mr Bailey left the meeting.

CD16/8078	City of Melville War Memorial Dedication
	<p>OFFICER PRESENTATION Christine Young – Director Community Development</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>

M16/5461	New Council Policy – Naming of Roads, Parks, Buildings and Infrastructure
	<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 General discussion took place regarding the item and officer recommendation.</p>

M16/5000	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 General discussion took place regarding the item and officer recommendation.</p>

C16/6091	Supply of Five Side Loader Trucks for the City of Melville Municipal Waste Services (MWS) (Q08/15)
	<p>OFFICER PRESENTATION– IF REQUESTED Paul Kellick – Manager Asset Management in conjunction with Paul Wylde - Fleet Coordinator</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>

BEHIND CLOSED DOORS

At 10.12pm Cr Aubrey moved, seconded Cr Macphail –

That the meeting be closed to the public to permit discussion on a confidential matter (C16/6092 – Point Heathcote and Jeff Joseph Foreshore Revetment Works (CO07/15) 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 10.12pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

C16/6092	Point Heathcote and Jeff Joseph Foreshore Revetment Works (CO07/15)
	<p>OFFICER PRESENTATION– IF REQUESTED Paul Kellick – Manager Asset Management</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM</p> <p>Elected Members requested that they be provided with the exclusions from one of the unsuccessful tenderers.</p> <p>This information will be provided to Elected Members in the Elected Members Bulletin</p>

At 10.19pm Cr Schuster moved, seconded Cr Macphail–

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

At 10.19pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

No members of the public returned to the meeting.

At 10.19pm Mr Kellick, Mr Davis and Mr Wylde left the meeting.

C16/6000	Investment Statements for November 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>

C16/6000	Investment Statements for December 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 General discussion took place regarding the item and officer recommendation.</p>

C16/6001	Schedule of Accounts Paid for November 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>

C16/6001	Schedule of Accounts Paid for December 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>

C16/6002	Statements of Financial Activity for November 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>

C16/6002	Statements of Financial Activity for December 2015
	OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services
	DEPUTATION PRESENTATION/S Nil
	DISCLOSURE OF INTEREST Nil
	NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.

11. CLOSURE

There being no further business to discuss, the Mayor closed the Agenda Briefing Forum at 10.25pm.