

**NOTES OF THE  
AGENDA BRIEFING FORUM  
HELD ON  
TUESDAY 7 JUNE 2016  
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: 3 June 2016**

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon, on Tuesday 7 June 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 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 Foxton, 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  
Mr M Tieleman  
Mr J Christie  
Ms C Young  
Mr S Cope  
Mr L Hitchcock  
Mr P Prendergast (Until 9.10pm)  
Mr G Ponton (Until 9.10pm)  
Mr D Cracknell (Until 9.10pm)  
Mr M Scarfone (Until 9.05pm)  
Mr T Cahoon (Until 8.20pm)  
Mr P de Lang (Until 8.20pm)  
Mr J Rae (From 9.20 – 9.48pm)  
Mr J Clark  
Mr N Fimmano

Chief Executive Officer  
Director Corporate Services  
Director Technical Services  
Director Community Development  
Director Urban Planning  
Executive Manager Legal Services  
Manager Statutory Planning  
Manager Strategic Planning  
Senior Strategic Urban Planner  
Planning Services Coordinator  
Manager Health and Leisure Services  
Leisure Planning Coordinator  
Strategic Land & Property Executive  
Governance and Compliance Program Manager  
Governance and Property Officer

At the commencement of the meeting there were six 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 G Marciano – Alfred Cove**

The land that the Melville Bowls Club is located on was gifted to the Council to be used for Recreational purposes. At the last annual General Meeting, the Chief Executive Officer said that the rates would be reduced by 1% if this land was sold.

##### Question

*Is the Council's intention to sell this land or not?*

##### Response

The recommendations in the item to Council, if approved in 2 weeks time, would instruct the Chief Executive Officer to investigate suitable recreation uses that could provide a financial return and then report back to Council.

##### **6.2 Karl Kelers – Alfred Cove**

In the Melville Times article, "Bowling Club Land Not For Sale" dated 24 March 2015, Mayor Aubrey was quoted as saying "The Mayor said the future Tompkins Park Sports Hub was determined not to be suitable re-location for the Bowling Club".

Ratepayers, Residents & Club Members (who voted overwhelmingly against relocation) need answers to:

##### Question 1

*What has changed, to make the Mayors previous pledge, negated by the current proposal to relocate the Melville Bowls Club?*

### Response

Previous investigations worked through potential opportunities at Tompkins Park that once costed did not represent good value for the City. This along with the work completed through the Bowls Strategy Report has identified that with modest improvements to the existing facilities and a reconfiguration of playing fields Tompkins Park can accommodate the northern Bowls facility.

No Mayor or Elected Member is able to provide a pledge, commitment, guarantee or promise in regard to the outcome of an item yet to be determined by a resolution of Council. Prior to the October election I had no formal meetings with representatives of Melville Bowling Club nor did I canvass the support of Club members.

### Question 2

*What is planned for the land that will be vacated by this proposed relocation?*

### Response

The recommendations in the Item if approved in 2 weeks time would instruct the CEO to investigate suitable recreation uses for this land that could provide a financial return and report back to Council.

### Question 3

*How many studies and strategic plans on Tompkins Park have carried out by consultants in the last five years and at what cost?*

### Response

The Concept planning process is still continuing for Tompkins Park. Leisure Consultant and architectural costs have been in the vicinity of \$55,000, which is not uncommon for a project of this size and complexity over this period of time.

**7. DISCLOSURE OF INTEREST**

**Item P16/3712** – Cr Wieland - Public Advertising of the Draft Melville District Centre Activity Centre Plan and Scheme Amendment No. 3 – Proximity Interest

**Item CD16/8081** – Cr Schuster - City of Melville Lawn Bowls Strategy – Interest under the Code of Conduct.

**8. DEPUTATIONS**

Nil

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

P16/3713 - Deep Water Point Café Ground Lease Proposal Per Request for Proposal (01/14)

**10. BUSINESS**

Nil

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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.**

**11. AGENDA ITEMS FOR PRESENTATION**

At 6.35pm the Mayor requested that item CD16/8081 City of Melville Lawn Bowls Strategy – be brought forward for discussion.

At 7.57pm Cr Phelan left the meeting, and returned at 7.59pm.

At 8.14pm Cr Pazolli left the meeting, and returned at 8.16pm.

At 8.14pm Cr Woodall left the meeting, and returned at 8.18pm.

<b>CD16/8081</b>	<b>City of Melville Lawn Bowls Strategy</b>
	<p><b>OFFICER PRESENTATION</b> Todd Cahoon – Manager Health and Lifestyle Services in Conjunction with Peter de Lang - Leisure Planning Coordinator and Darren Monument from A Balanced View Consultancy.</p> <p><b>DEPUTATION/PRESENTATION/S</b> Nil</p> <p><b>DISCLOSURE OF INTEREST</b> Cr Cameron Schuster</p> <p><b>NOTES FROM FORUM</b> Elected Members requested that they be provided with the following information:</p> <ol style="list-style-type: none"> <li>1. Was the Rossmoyne/Riverton Bowling Club Originally two Clubs?</li> <li>2. Assumptions upon which the formula to calculate the subsidies is based upon.</li> <li>3. What is the proposed timeframe for the Cockburn Bowls Development?</li> <li>4. What is the current percentage of Public Open Space within the City, what do we hope to have with the increase in population and what is best practice?</li> </ol> <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 8.20pm Mr Cahoon, Mr de Lang and Mr Monument left the Meeting.

At 8.20pm the meeting was adjourned.

At 8.30pm the meeting resumed.

<b>P16/3709</b>	<b>Review of Council Policy CP-078 Residential Development</b>
	<p><b>OFFICER PRESENTATION</b> Mark Scarfone – Planning Services Coordinator in conjunction with 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 that they be provided with images (both good and bad examples) of buildings that reflect the proposed Policy changes.</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>P16/3711</b>	<b>Review of Council Policy 056: Planning Process and Decision Making</b>
	<p><b>OFFICER PRESENTATION</b> Peter Prendergast – Manager Statutory Planning in conjunction with Mark Scarfone – Planning Services Coordinator.</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 9.05pm Mr Scarfone left the meeting.

At 9.06pm Cr Wieland left the meeting, and returned at 9.09pm.

<b>P16/3712</b>	<b>Public Advertising of the Draft Melville District Centre Activity Centre Plan and Scheme Amendment No. 3</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> Cr Wieland</p> <p><b>NOTES FROM FORUM</b> General discussion took place regarding the item and officer recommendation.</p>

At 9.10pm Mr Prendergast, Mr Cracknell and Mr Ponton left the meeting.

<b>M16/5490</b>	<b>Delegates to the Western Australian Local Government Association Annual General Meeting</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> Cr R Aubrey and Cr T Barling were nominated as Delegates to the Western Australian Local Government Association Annual General Meeting and Cr D Macphail and Mayor Aubrey were nominated as Proxies.</p> <p>General discussion took place regarding the item and officer recommendation.</p>

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

<b>C16/6000</b>	<b>Investment Statements for April 2016</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman – 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>C16/6001</b>	<b>Schedule of Accounts Paid for April 2016</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman – 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> General discussion took place regarding the item and officer recommendation.</p>

<b>C16/6002</b>	<b>Statements of Financial Activity for April 2016</b>
	<p><b>OFFICER PRESENTATION – IF REQUESTED</b> Marten Tieleman – 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> General discussion took place regarding the item and officer recommendation.</p>

At 9.21pm Cr Schuster moved, seconded Cr Aubrey –

**That the meeting be closed to the public to permit discussion on confidential matter (Item P16/3713 – Confidential Item - Deep Water Point Café Ground Lease Proposal Per Request for Proposal (01/14) covered under section 5.23 (2) (c) of the *Local Government Act 1995*.**

At 9.21pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

**CONFIDENTIAL ITEM**

<b>P16/3713</b>	<b>Deep Water Point Café Ground Lease Proposal Per Request for Proposal (01/14)</b>
	<p><b>OFFICER PRESENTATION</b> Jeremy Rae – Strategic Land and Property Executive</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 that they be provided with the following information:</p> <ol style="list-style-type: none"> <li>1. What is the discounted rate applied to the cash flow of the total discounted value of the ground Lease.</li> <li>2. The Report note the previous consultation process involving the Deep Water Point Precinct Redevelopment Plan and note that a Café redevelopment were part of the initial consultation.</li> <li>3. Clarification as to what happens to the asset if the Company goes into receivership and is there provision in the lease for such an occurrence?</li> </ol> <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 9.48pm Cr Aubrey moved, seconded Cr Barling –

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

At 9.48pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (13/0)**

**12. CLOSURE**

There being no further business to discuss, the Mayor closed the Agenda Briefing Forum at 9.48pm.