

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 4 JULY 2017
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 JULY 2017

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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 July 2017, commencing 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.

Purpose of Agenda Briefing Forum

The purpose of this Forum is to provide an opportunity for Elected Members to ask questions and obtain additional information in respect to reports and items on the attached Council Agenda. It is not a decision making forum, nor is it open for debate on matters. Members of the public are able to make submissions or present deputations in respect to matters on the draft Council Agenda at this Forum, prior to matters being formally deliberated upon at the next Ordinary Council Meeting.

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.

2. PRESENT

His Worship the Mayor Russell Aubrey

COUNCILLORS

Cr R Aubrey, Cr D Macphail
Cr C Schuster
Cr G Wieland, Cr J Barton
Cr M Woodall, Cr C Robartson
Cr T Barling
Cr P Phelan

WARD

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

3. IN ATTENDANCE

Mr S Cope
Mr M Tieleman
Ms C Young
Mr J Christie
Mr G Ponton
Mr L Hitchcock
Mr S Wacher (until 7.27pm)
Mr J Clark
Mrs C Newman
Mr B Doherty (until 7.27pm)

A/Chief Executive Officer
Director Corporate Services
Director Community Development
Director Technical Services
A/Director Urban Planning
Executive Manager Legal Services
Manager Resource Recovery and Waste
Governance and Compliance Program Manager
Executive Support and Governance Officer
A/CEO Southern Metropolitan Regional Council

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Cr N Pazolli – Applecross/Mount Pleasant Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr N Foxtan – University 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. DISCLOSURE OF INTEREST

Nil.

7. DEPUTATIONS

Nil

8. QUESTIONS

Nil

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**Item T17/30 Q13/17 – Supply and Delivery of Waste Bin**

The attachments are confidential in accordance with section 5.23(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 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 6.30 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.

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 the Mayor requested that Items T17/30 Q13/17 – Supply and Delivery of Waste Bin; and M17/5559 Proposed City of Melville Local Law 2017 be brought forward for discussion.

T17/3760	Q13/17 – Supply and Delivery of Waste Bins
	<p>OFFICER PRESENTATION Mr Steve Wacher, Manager Waste and Resource Recovery Mr Brendan Doherty, A/CEO Southern Metropolitan Regional Council</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Mr Wacher and Mr Doherty responded to questions from the Elected Members.</p> <p>General discussion took place regarding the item and the officer recommendation and Elected Members requested that further information be provided in the Elected Members Bulletin with regard to the comparison of costs across the confidential attachments.</p>

At 6.42pm Moved Cr Aubrey, Seconded Cr Barling

That the meeting be closed to the public to permit discussion on confidential matters (Item T17/3760 – Q13/17 – Supply and Delivery of Waste Bins) covered under section 5.23(c) of the Local Government Act 1995.

At 6.42pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY

At 6:51 pm Moved Cr Schuster, Seconded Cr Barling

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

At 6.51pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY

M17/5559	Proposed City of Melville Waste Local Law 2017
	<p>OFFICER PRESENTATION John Christie, Director Technical Services Corrine Newman, Executive Support and Governance Officer</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Mr Christie and Mrs Newman responded to questions from Elected Members.</p> <p>General discussion took place regarding the item and the officer recommendation, with Elected Members requesting that further information be provided in the Elected Members Bulletin on:</p> <ul style="list-style-type: none"> • Schedule 1, item (b) – the implications of including the following: “, unless the City organises a specific collection for this purpose.” • The implications of not deleting all the penalties as shown in the draft local law. • Consideration of retaining penalties at reduced amounts. • Clarity around the ability of the City to enforce the clauses within the draft local law. • Correction to numbering format in Part 5.

At 7.25pm Cr Woodall left the meeting and returned at 7.27pm.

At 7.27 Mr Wachter and Mr Doherty left the meeting and did not return

P17/3758	Proposed Road Reserve Dedication
	<p>OFFICER PRESENTATION Gavin Ponton, Acting Director 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 the officer recommendation.</p>

M17/5563	City of Melville Schedule of Names for Assets
	<p>OFFICER PRESENTATION Corrine Newman, Executive Support and Governance 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 the officer recommendation with Elected Members requesting that further information be provided in the Elected Members Bulletin on:</p> <ul style="list-style-type: none"> • Whether Elected Members need to declare an interest in this item. • That persons named in the agenda item be advised, in writing, that the item is being presented to Council.

M17/5564	Proposed Council Policy - Election Caretaker Period
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark, Governance and Compliance Program Manager Corrine Newman, Executive Support and Governance Officer</p> <p>DEPUTATION PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Mr Clark and Mrs Newman responded to questions from Elected Members.</p> <p>General discussion took place regarding the item and the officer recommendation with Elected Members requested that further information be provided in the Elected Members Bulletin on the following matters:</p> <ul style="list-style-type: none"> • Clause 2.2 – guidance on what circumstances would be considered “major policy decision”. • Section 3 – Inclusion of preamble to clarify its application to an Elected Member nominating or preselected for State or Federal Elections and the relevance of items on Council meeting agenda. • Should a submission be made to the Department of Local Government on the review of the <i>Local Government Act 1995</i>, requesting guidance on the local government elected members being candidates in State and Federal Elections.

M17/5000	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 the officer recommendation.</p>

At 7.53pm the Mayor advised that Item C17/5564 – New Council Policy CP-104 Related Party Disclosures Policy had been withdrawn to provide greater clarification in the report.

C17/5565	New Council Policy – CP-104 Related Party Disclosures Policy
	<p>OFFICER PRESENTATION – IF REQUESTED Bruce Taylor, Manager Financial Services</p> <p>DEPUTATION/PRESENTATION/S Nil</p> <p>DISCLOSURE OF INTEREST Nil</p> <p>NOTES FROM FORUM Item Withdrawn</p>

C17/6000	Investment Statements for May 2017
	<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 the officer recommendation.</p>

C17/6001	Schedule of Accounts Paid May 2017
	<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 the officer recommendation.</p>

C17/6002	Statements of Financial Activity for May 2017
	<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 the officer recommendation.</p>

11. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 7.55pm.