

**MINUTES**

**OF THE**

**SPECIAL MEETING OF COUNCIL**

**HELD ON**

**TUESDAY**

**24 JULY 2012**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

**DISCLAIMER**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

# CONTENTS PAGE

	Item Description	Page Number
<b>CONFIDENTIAL ITEM</b>		
<b>P12/3320</b>	Confidential Item - Reconsideration of Three-Storey with Undercroft Mixed-Use Development at Lot 278 (164) Riseley Street, Booragoon	4

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 24 JULY 2012.**

**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 that is on the front page of these Minutes and then His Worship the Mayor R A Aubrey, 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.**

**2. PRESENT**

His Worship the Mayor, Russell Aubrey

**COUNCILLORS**

Deputy Mayor Cr C Robartson  
Cr R Willis  
Cr N Pazolli, Cr Reidy  
Cr A Nicholson, Cr D Macphail  
Cr S Taylor-Rees, Cr J Barton  
Cr R Hill, Cr Kinnell  
Cr M Reynolds

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr J Christie	A/Director Corporate Services
Mr B Dawkins	A/Director Community Development
Mr S Cope	Director Urban Planning
Ms C Young	A/Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Planning & Development Services
Mr T Cahoon	Manager Health & Lifestyle Service
Mr I Davis	Special Projects Officer
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms J Paparella	Minute Secretary

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

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

Nil

**4.2 APPROVED LEAVE OF ABSENCE**

Cr N Foxtton                      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. QUESTION TIME**

Nil

**7. DECLARATIONS OF INTEREST****7.1 FINANCIAL INTERESTS**

Nil

**7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Nil

**8. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 6.32pm Cr Willis moved, seconded Cr Taylor-Rees -

**That the application for new leave of absence submitted by Cr Barton on 24 July 2012 be granted.**

At 6.32pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

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

- P12/3320 Confidential Item – Reconsideration of Three Storey with Undercroft Mixed-Use Development at Lot 278 (164) Riseley Street, Booragoon

The above matter is confidential in accordance with Section 5.23 (2) (d) of the Local Government 1995 as the matter is currently before the State Administrative Tribunal and is of a confidential nature.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil

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

At 6.33pm moved Cr Robartson, seconded Cr Kinnell -

**That the meeting be closed to the public to permit discussion on confidential matters – Item P12/3320 which relates to Confidential Item – Reconsideration of Three Storey with Undercroft Mixed-Use Development at Lot 278 (164) Riseley Street, Booragoon covered under Section 5.23 (2) (d) as the matter is currently before the State Administrative Tribunal and is of a confidential nature.**

At 6.33pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

**13. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

The Presiding Member advised Elected Members that when dealing with the following Reports they act in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require the decision making process be conducted in a Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice and requires the application of the relevant facts to the appropriate statutory regime.

**P12/3320 – CONFIDENTIAL ITEM - RECONSIDERATION OF THREE-STOREY WITH UNDERCROFT MIXED-USE DEVELOPMENT AT LOT 278 (164) RISELEY STREET, BOORAGOON (SMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3320)  
SPECIAL MAJORITY APPROVAL**

At 6.38pm moved Cr Robartson, seconded Cr Macphail -

**That the Council adopt by Special Majority decision the Officer Recommendation contained in confidential Schedule A – Recommendation for Lot 278 (164) Riseley Street, Booragoon.**

At 6.54pm the Mayor submitted the motion, which was declared  
**CARRIED BY SPECIAL MAJORITY (12/0)**

At 6.55pm Cr Robartson moved, seconded Cr Macphail –

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

At 6.55pm the Mayor submitted the motion, which was declared  
**CARRIED (12/0)**

**14. CLOSURE**

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 6.55pm.