

Special Council Meeting

Minutes for 11 September 2017

UNCONFIRMED



**city of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME	4
4.0	PETITIONS/DEPUTATION	4
5.0	ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION.....	4
6.0	MATTERS FOR WHICH MEETING MAY BE CLOSED.....	4
7.0	DISCLOSURE OF INTERESTS	4
8.0	REPORTS TO COUNCIL	5
9.0	MEETING CLOSED TO THE PUBLIC	8
10.0	CLOSURE	10

MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting 7:00pm, welcoming Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

Members of Staff

Rhonda Hardy		Chief Executive Officer
Natalie Martin Goode		Director Development Services
Dennis Blair		Director Asset Services
Gary Ticehurst		Director Corporate & Community Services
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal	
Peter Varelis		Manager Strategic Planning
Michele Rogers		Manager Community Safety Services
Donna McPherson		Executive Research Officer

Members of the Public 7

Members of the Press 0

2.2 Apologies

Councillors

Members of Staff

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 PETITIONS/DEPUTATION

4.1 A Deputation was presented by Leonie and Kevin Gorman of 20 Lewis Road in Wattle Grove.

5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

5.1

6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

6.1 **SCM 14. CONFIDENTIAL ITEM** Optus Communication Tower—SAT
Outcome - Provided under separate cover.

Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (d), "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting".

7.0 DISCLOSURE OF INTERESTS

7.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

7.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

8.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (d), “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

SCM 14 CONFIDENTIAL REPORT - Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005 – section 251(1) – DR 271/2017 - Request for Councillor nominees to Compulsory conference and Directions Hearing Report

Previous Items	OCM 215/2016
Responsible Officer	General Counsel
Service Area	Governance and Legal Services
File Reference	LW-04/012
Applicant	Planning Solutions, Service Stream for Optus
Owner	Stuart and Jenny Chamberlain
Attachment 1	Minutes from D & A Services Committee Item 43 ‘Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment - Lot 39 (12) Lewis Road, Wattle Grove’ with attachments 1 – 11.
Attachment 2	Resolution OCM 127/2017
Attachment 3	Without prejudice email from Ben Doyle, Director Planning Solutions to General Counsel dated 11 September 2017.

Voting Requirements: Simple Majority

RESOLVED SCM 157/2017

That Council:

1. Nominate Councillor Noreen Townsend and Councillor John Giardina to attend the Compulsory Conference scheduled for 10 am on 22 September 2017 in the matter of *Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005* – section 251(1) – DR 271/2017 (**Compulsory Conference**).
2. For the purposes of the Compulsory Conference, authorise the nominee Councillors as set out above in paragraph 1 of this Resolution, to:
 - a) enter into negotiations in regard to any possible alternative locations for the Optus Mobile Monopole within the subject site in order to report back to the Council in the event that the Tribunal so orders;
 - b) consider any other alternatives or modifications as may be suggested by the Applicant; and
 - c) engage in discussions about alternative sites for the infrastructure with the Applicant pursuant to clause 2 of Council Resolution OCM

127/2017, being that 'Council request the applicant to work with Councillors and staff to investigate alternative sites'.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

9.0 MEETING CLOSED TO THE PUBLIC

9.1 RESOLVED SCM 154/2017

That the meeting be closed to the public to allow consideration of SCM 14 CONFIDENTIAL REPORT - Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005 – section 251(1) – DR 271/2017 - Request for Councillor nominees to Compulsory Conference and Directions Hearing Report.

Moved: **Cr John Giardina**

Seconded: **Cr Sue Bilich**

Vote: For **Cr Michael Fernie** Against **Cr Noreen Townsend**
Cr John Giardina **Cr Andrew Waddell**
Cr Geoff Stallard
Cr Allan Morton
Cr Brooke O'Donnell
Cr Sara Lohmeyer
Cr Dylan O'Connor
Cr Tracy Destree
Cr Sue Bilich

CARRIED (9/2)

The meeting closed to the public at 7:07pm. All members of the public gallery left the Council Chambers.

9.2 RESOLVED SCM 155/2017

That Standing Orders be suspended to allow Council to freely discuss the matter to be considered.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders were suspended at 7:20pm.

9.3 RESOLVED SCM 156/2017

That Standing Orders be recommenced.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders were recommenced at 7:25pm.

9.4 **SCM 14 **CONFIDENTIAL REPORT - Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005 – section 251(1) – DR 271/2017 - Request for Councillor nominees to Compulsory conference and Directions Hearing Report****

Previous Items	OCM 215/2016
Responsible Officer	General Counsel
Service Area	Governance and Legal Services
File Reference	LW-04/012
Applicant	Planning Solutions, Service Stream for Optus
Owner	Stuart and Jenny Chamberlain
Attachment 1	Minutes from D & A Services Committee Item 43 <i>Proposed Telecommunications Mobile Phone Base Station and Ancillary Equipment - Lot 39 (12) Lewis Road, Wattle Grove</i> with attachments 1 – 11.
Attachment 2	Resolution OCM 127/2017
Attachment 3	Without prejudice email from Ben Doyle, Director Planning Solutions to General Counsel dated 11 September 2017.

Voting Requirements: Simple Majority

RESOLVED SCM 157/2017

That Council:

1. Nominate Councillor Noreen Townsend and Councillor John Giardina to attend the Compulsory Conference scheduled for 10 am on 22 September 2017 in the matter of *Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005 – section 251(1) – DR 271/2017 (Compulsory Conference)*.
2. For the purposes of the Compulsory Conference, authorise the nominee Councillors as set out above in paragraph 1 of this Resolution, to:
 - a) enter into negotiations in regard to any possible alternative locations for the Optus Mobile Monopole within the subject site in order to report back to the Council in the event that the Tribunal so orders;
 - b) consider any other alternatives or modifications as may be suggested by the Applicant; and

- c) engage in discussions about alternative sites for the infrastructure with the Applicant pursuant to clause 2 of Council Resolution OCM 127/2017, being that *'Council request the applicant to work with Councillors and staff to investigate alternative sites'*.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

9.5 RESOLVED SCM 158/2017

That the meeting be open to the public following consideration of SCM 14 CONFIDENTIAL REPORT - Optus Mobile Pty Ltd v City of Kalamunda, Planning and Development Act 2005 – section 251(1) – DR 271/2017 - Request for Councillor nominees to Compulsory Conference and Directions Hearing Report.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting opened to the public at 7:26pm. All members of the public gallery returned to the Council Chambers. The Presiding Member read the resolution to the meeting.

10.0 CLOSURE

- 10.1 There being no further business, the Presiding Member declared the meeting closed at 7:28pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2017