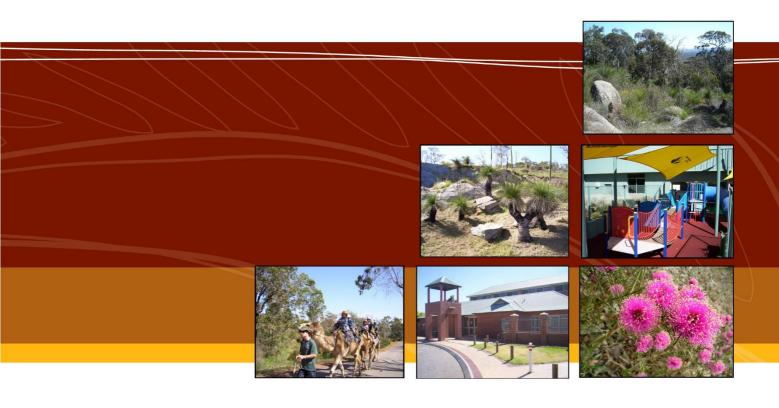
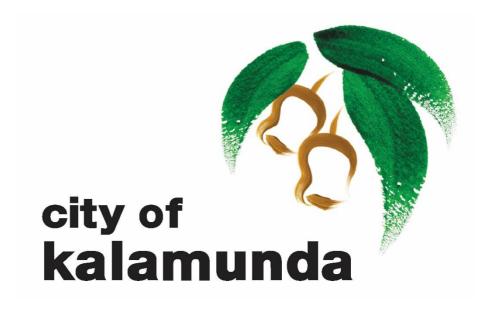
# **Special Council Meeting**

Minutes for 11 September 2017

# **UNCONFIRMED**





# **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	<b>OPENING</b>
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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** General Counsel & Executive Advisor, Governance & Legal Simon Di Rosso Peter Varelis Manager Strategic Planning Manager Community Safety Services Michele Rogers 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.

<u>Reason for Confidentiality</u> – *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:
  - 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 alternatives 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 Against

Cr Michael Fernie 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 <u>RESOLVED SCM 155/2017</u>

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

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Attachment 1 Minutes from D & A Services

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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**

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# That Council:

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- 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 alternatives 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 <u>RESOLVED SCM 158/2017</u>

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	
Dated tills	aay or		