

NOTES OF THE

AGENDA BRIEFING FORUM

HELD ON TUESDAY, 14 SEPTEMBER 2021

COMMENCING AT 6.30PM

Held electronically in accordance with Regulation 14D(2)(a) of the Local Government (Administration) Regulations 1996

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings and physical distancing only a limited number of the public are able to physically attend this meeting.

This meeting was publically broadcast to the community and the minutes and the audio recording of the meeting available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*.

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners of the land on which the City stands today and pays its respect to the Whadjuk people, and Elders both past and present.

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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.

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio Recording will be available within 10 days of the meeting and may be accessed at www.melvillecity.com.au/agendas in accordance with the provisions of the Policy.

DISTRIBUTED: 17 September 2021

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday 14 September 2021, commencing at 6:30pm.

AGENDA BRIEFING FORUM

1. OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm and invited Cr Sandford to read the Acknowledgement of Country, and advised those present of the Disclaimer, the Purpose of the Agenda Briefing Forum and the 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 Meeting Procedures Local Law to ensure the efficient, effective and orderly conduct of this forum.

2. ELECTED MEMBERS PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr J Barton (Deputy Mayor)
Cr G Barber
Cr D Macphail, Cr N Robins
Cr C Robartson, Cr M Woodall
Cr N Pazolli
Cr S Kepert (*From 6:32pm*)
Cr K Mair, Cr M Sandford
Cr T Fitzgerald, Cr K Wheatland

WARD

Bicton – Attadale – Alfred Cove
Bicton – Attadale – Alfred Cove
Bateman – Kardinya – Murdoch
Bull Creek – Leeming
Applecross – Mount Pleasant
Applecross – Mount Pleasant
Central
Palmyra – Melville – Willagee

3. IN ATTENDANCE

Mr M Tieleman <i>(Until 9:04pm)</i>	Chief Executive Officer
Mr A Ferris	Director Corporate Services
Mr B Dawkins <i>(Until 9:04pm)</i>	Acting Director Community Development
Mr S Cope <i>(Until 9:04pm)</i>	Director Urban Planning
Mr M McCarthy <i>(Until 9:05pm)</i>	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr B Taylor	Manager Governance and Property
Mr M Murphy <i>(Until 8:50pm)</i>	Manager City Buildings
Ms J Ahola <i>(Until 8:50pm)</i>	Acting Manager Natural Areas and Parks
Mr G Ponton <i>(Until 8:39pm)</i>	Manager Strategic Urban Planning
Ms P Venter <i>(Until 8:39pm)</i>	Strategic Urban Planner
Mr Paul Molony <i>(Until 9:04pm)</i>	Manager Resource Recovery and Waste
Mr Harry Buck <i>(Until 9:04pm)</i>	Coordinator Resource Recovery and Waste
Ms C Newman	Coordinator Governance
Ms R Davis	Governance Officer

At the commencement of the meeting, there were 9 members of the public in the Council Chambers and 2 members of the public and no representatives from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Ms C Young Director Community Development

4.2 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. DISCLOSURE OF INTEREST

- Mr M Tieleman – M21/5863 Chief Executive Officer Performance Review. Financial Interest.
- Cr M Sandford – CD21/8142 Dog Exercise Park – Area 1 ii) Tompkins Park East. Proximity Interest.
- Cr K Wheatland – P21/2934 Request for Scheme Amendment – 71 – 77 Leach Highway and 2 - 6 Webber Road Willage. Interest Under the Code of Conduct.
- Cr M Woodall – C21/5864 Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross. Interest Under the Code of Conduct.

7. PUBLIC QUESTIONS

Nil.

8. DEPUTATIONS

8.1 Ms D Retsas, Murdoch

Written deputation for Item P21/3945 – Adoption of Amendment No.11 to Local Planning Scheme 6 – Short Stay Accommodation.

8.2 Ms Margaret Matassa, Mr Geoff Webster and Robin Napier, Swan Estuary Reserves Action Group

Item CD21/8142 – Review of Dog Exercise Areas.

8.3 Mr Peter Neesham, Melville

Item CD21/8142 – Review of Dog Exercise Areas.

At 6:34pm the Mayor adjourned the meeting.

At 6:44pm the Mayor resumed the meeting.

9. BUSINESS

PROCEDURE FOR AGENDA BRIEFING FORUMS

PRINCIPLES

The Agenda Briefing Forum which occurs one week 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 is 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, Meeting Procedures Local Law 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 Meeting Procedures Local Law 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 time constraints, items will not be ready in time for the Forum ~~session~~ and will go straight to the Council meeting for decision.

AGENDA DISTRIBUTION

The agenda will be distributed to Elected Members on the Friday 10 days prior to the Agenda Briefing Forum and made available on the City of Melville Website www.melvillecity.com.au/agendas

DEPUTATIONS

A deputation is an opportunity for members of the community to address the Council on an item that is on the agenda. Deputations are not to exceed 10 minutes and the Presiding Member may allow additional time for Elected Members to ask questions.

The Agenda Briefing Forum is live-streamed to the community, including deputations.

A request to make a deputation should be submitted in writing and received by 12noon the day before the meeting. A request form and guidelines for making a deputation are available on the City's website, [Request to make a Deputation](#) or by contacting the Governance Team governance@melville.wa.gov.au.

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. Handouts and Presentations, including those from Deputations, will be uploaded to the website as attachments to the Notes. The Audio recording will also be available on the website in accordance with Council Policy CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings.

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 CEO 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 CEO before a meeting then -

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

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.

9. AGENDAS ITEMS FOR PRESENTATION

At 6:45pm Mayor Gear brought forward Item CD21/8142 – Review of Dog Exercise Areas for the convenience of those making their deputation.

ITEMS BROUGHT FORWARD

Disclosure of Interest

Member	Cr Sandford
Type of Interest	Interest under the Code of Conduct
Nature of Interest	I live across the road from Tompkins Park East between Francis Street and Cantray Ave.
Request	Leave.
Decision	Leave.

At 6:46pm having declared an interest, Cr Sandford left the meeting for the deputation provided by Ms Matassa in relation to Tompkins Park East.

Procedural Motion

COUNCIL RESOLUTION

At 6:56pm moved Cr Wheatland, seconded Cr Kepert –

That Ms Matassa be granted a further 5 minutes to speak on this matter.

At 6:56pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

CD21/8142 Review of Dog Exercise Areas

Officer Presentation

Brodie Dawkins – Manager Neighbourhood Amenity

Deputation/Presentation(s)

Ms Matassa and Ms Napier commenced a deputation at 6:46pm, which concluded at 7:00pm. At 7:08pm, Ms Matassa and Ms Napier left the Chamber. [8142 Presentation Swan Estuary Reserves Action Group](#)

Mr Neesham commenced a deputation at 7:09pm, which concluded at 7:14pm. At 7:25pm, Mr Neesham left the Chamber. [8142 Deputation Mr Neesham](#)

Mr Dawkins commenced a presentation at 7:25pm, which concluded at 7:29pm. At 7:43pm the officer left the Chamber. [8142 Presentation Review of Dog Exercise Area.](#)

Disclosure of Interest

- Cr Sandford – Proximity Interest

Notes from Forum

At the request of Elected Members the CEO undertook to provide the following information in the Elected Member Bulletin:

- Cost and funding options for a fenced area at Tompkins Park East;
- The current size of the dog beach area at Point Walter.

At 7:09pm Cr Sandford returned to the meeting.

At 7:43pm the Mayor brought forward item C21/5864 Selection of the Site Surveyor for 18A and 18B Tweeddale Road, Applecross for the convenience of those attending in the gallery.

Disclosure of Interest

Member	Cr Matthew Woodall
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of JDAP Panel that considered development application for this site.
Request	Leave
Decision Leave	Leave

At 7:43pm having declared an interest in the matter, Cr Woodall left the meeting.

At 7:43pm Wheatland left the meeting and returned at 7:47pm.

C21/5864 Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross
<p>Officer Presentation – Questions Only Alan Ferris – Director Corporate Services</p> <p>Deputation/Presentation(s) Nil.</p> <p>Disclosure of Interest Cr Woodall – Interest under the Code of Conduct.</p> <p>Notes from Forum General discussion took place regarding the item and officer recommendation.</p>

At 7:55pm Cr Woodall returned to the meeting.

URBAN PLANNING

Disclosure of Interest

Member	Cr Wheatland
Type of Interest	Interest under the Code of Conduct
Nature of Interest	I live on Leach Highway
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

P21/3934 Request for Scheme Amendment – 71 – 77 Leach Highway and 2 - 6 Webber Road Willagee

OFFICER PRESENTATION

Paula Venter – Strategic Urban Planner
Gavin Ponton – Manager Strategic Urban Planning

PRESENTATION

Ms Venter commenced a presentation at 7:55pm, which concluded at 7:59 pm. [3934 Presentation Request for Scheme Amendment](#)

DISCLOSURE OF INTEREST

- Cr Wheatland – Interest under the Code of Conduct.

NOTES FROM FORUM

General discussion took place regarding the item and officer recommendation.

At the request of Elected Members the CEO undertook to provide the following information in the Elected Member Bulletin:

- Information with regard to prohibiting childcare from the land use.
- Ability to restrict height to four storeys.
- Inclusion of environmental/ sustainability/ climate requirements.

*At 8:06pm Cr Barton left the meeting and returned at 8:11pm.
At 8:12pm Cr Robartson left the meeting and returned at 8:17pm.
At 8:15pm Cr Macphail left the meeting and returned at 8:18pm.
At 8:30pm Cr Barber left the meeting and returned at 8:33pm.
At 8:34pm Mr Ferris left the meeting and returned at 8:38pm.*

P21/3945 Adoption of Amendment No.11 to Local Planning Scheme 6 – Short Stay Accommodation**OFFICER PRESENTATION**

Gavin Ponton – Manager Strategic Urban Planning

DEPUTATION/PRESENTATION(S)

A written deputation was received by the Council from Mrs Retsas. [3945 Deputation Mrs Retsas](#)

Mr Ponton commenced a presentation at 8:18pm, which concluded at 8:21pm. At 8:39pm the officers left the Chamber. [3945 Presentation Adoption of Amendment No 11 to LPS6.](#)

DISCLOSURE OF INTEREST

Nil.

NOTES FROM FORUM

General discussion took place regarding the item and officer recommendation.

*At 8:39pm Mr Venter left the meeting and did not return.
At 8:39pm Mr Ponton left the meeting and did not return.*

TECHNICAL SERVICES**T21/3946 Construction of South East Premier Playspace at Bob Gordon Reserve****Officer Presentation**

Mario Murphy – Manager City Buildings
Janine Ahola – Acting Manager Natural Areas and Parks

Deputation/Presentation(s)

Ms Ahola and Mr Murphy commenced a presentation at 8:39pm, which concluded at 8:45pm. At 8:50pm the officers left the Chamber. [3946 Presentation Construction of South East Premier Playspace at Bob Gordon Reserve](#)

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

T21/3947 Southern Metropolitan Regional Council – Rebranding and Name Change**Officer Presentation**

Mick McCarthy – Director Technical Services

Deputation/Presentation(s)

Mr McCarthy took questions from 8:50pm, which concluded at 8:57pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 8:51pm Cr Robins left the meeting and returned at 8:54pm.

T21/3948 Southern Metropolitan Regional Council - Withdrawal Arrangements for a Project Participant (City of Kwinana)

Officer Presentation – Presentation and Questions / Questions Only

Mick McCarthy – Director Technical Services

Deputation/Presentation(s)

Nil.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

COMMUNITY DEVELOPMENT

CD21/8142 Review of Dog Exercise Areas

Item Brought Forward.

See page 9.

MANAGEMENT SERVICES

M21/3923 New Lease Agreements for Sporting and Recreation Clubs

This item has been withdrawn in accordance with clause 6.8(5) of the *Meeting Procedures Local Law* to be brought to the 16 November 2021 Meeting of Council.

M21/5863 Chief Executive Officer Performance Review

Item deferred to the end of the meeting.

See page 16.

At 8:58pm the Mayor brought forward Item C21/5861 Supply of 4 Side Loading Recycle Waste Recovery Trucks and 1 Rear Loading Commercial Truck for the convenience of the officers responding to questions.

CORPORATE SERVICES**C21/5861 Supply of 4 Side Loading Recycle Waste Recovery Trucks and 1 Rear Loading Commercial Truck****Officer Presentation – Questions Only**

Mick McCarthy – Director Technical Services

Deputation/Presentation(s)

Mr Molony and Mr Buck entered the chamber at 8:58pm for the purpose of answering questions. At 9:02pm the officers left the Chamber.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

C21/5864 Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross

Item Brought Forward.

See page 10.

C21/6000 Investment Statements July 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Nil.

Disclosure of Interest

Nil.

Notes from Forum

At the request of Elected Members the CEO undertook to provide the following information in a future Elected Member Bulletin on:

- Tracking of refuse collection charges and the total cost of rubbish collection charge for the City of Melville.

C21/6001 Schedule of Accounts Paid July 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Nil.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

C21/6002 Preliminary Statements of Financial Activity for July 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Nil.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

M21/5000 Common Seal Register**Officer Presentation – Questions Only**

Bruce Taylor – Manager Governance and Property

Deputation/Presentation(s)

Nil.

Disclosure of Interest**Notes from Forum**

No discussion took place regarding the item and officer recommendation.

At 9:04pm Cr Robartson left the meeting and returned at 9:06pm.

At 9:04pm Mr Cope left the meeting and did not return.

At 9:04pm Mr Buck left the meeting and did not return.

At 9:04pm Mr Molony left the meeting and did not return.

At 9:05pm Mr McCarthy left the meeting and did not return.

At 9:05pm Mr Dawkins left the meeting and did not return.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Procedural Motion

COUNCIL RESOLUTION

At 9:06pm Cr Barton moved, Seconded Cr Wheatland –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2)(a) and (c) of the Local Government Act 1995, to be discussed behind closed doors.

At 9:06pm the Mayor declared the motion

CARRIED (11/2)

For	Cr Barton, Cr Barber, Cr Macphail, Cr Robins, Cr Wheatland, Cr Woodall, Cr Robartson, Cr Mair, Cr Sandford, Cr Pazolli, Mayor Gear
Against	Cr Kepert, Cr Fitzgerald

Disclosure of Interest

Member	Mr Tieleman
Type of Interest	Financial Interest.
Nature of Interest	I am the CEO subject to the review.
Request	Leave.
Decision Leave	Leave.

At 9:04pm having declared an interest, Mr Tieleman left the meeting and did not return.

At 9:04pm Mr Dawkins left the meeting and did not return.

At 9:04pm Mr Cope left the meeting and did not return.

At 9:04pm Mr Buck left the meeting and did not return.

At 9:04pm Mr Molony left the meeting and did not return.

At 9:05pm Mr McCarthy left the meeting and did not return.

M21/5863 Chief Executive Officer Performance Review

Officer Presentation – Questions Only

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Nil.

Disclosure of Interest

- Mr Tieleman – Interest Under Code of Conduct

Notes from Forum

General discussion took place regarding the item and officer recommendation.

Procedural Motion

COUNCIL RESOLUTION

At 9:15pm Cr Barton moved, seconded Cr Wheatland–

That the meeting comes out from behind closed doors.

At 9:15pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

11. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 9:15pm.