

NOTES OF THE

AGENDA BRIEFING FORUM

HELD ON TUESDAY, 10 AUGUST 2021

COMMENCING AT 6.30PM

To be 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: 13 August 2021

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**Notes of the Agenda Briefing Forum held at the AH Bracks Library and Creative Space,
Corner Stock Road and Canning Highway, Melville, 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 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 WARD

Cr J Barton (Deputy Mayor)	Bicton – Attadale – Alfred Cove
Cr G Barber	Bicton – Attadale – Alfred Cove
Cr D Macphail, Cr N Robins	Bateman – Kardinya - Murdoch
Cr C Robartson	Bull Creek - Leeming
Cr S Kepert (<i>Until 8:00pm</i>)	Applecross – Mount Pleasant
Cr N Pazolli	Applecross – Mount Pleasant
Cr K Mair, Cr M Sandford	Central
Cr T Fitzgerald	Palmyra – Melville - Willagee

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr S Cope	Director Urban Planning
Ms C Young	Director Community Development
Mr M McCarthy	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr M Murphy (<i>Until 8:44pm</i>)	Manager City Buildings
Ms C Day (<i>Until 8:44pm</i>)	Cultural Services Project Coordinator
Mr G Ponton (<i>Until 8:26pm</i>)	Manager Strategic Urban Planning
Mr P Prendergast (<i>Until 8:44pm</i>)	Manager Planning Services
Mr M Scarfone	Planning Services Coordinator
Mr J Rae	Strategic Land and Property Executive
Ms C Newman	Governance Coordinator
Ms R Davis	Governance Officer

At the commencement of the meeting, there were 6 members of the public in the public gallery 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

Cr K Wheatland	Palmyra – Melville – Willagee
Cr M Woodall	Bull Creek - Leeming
Mr A Ferris	Director Corporate Services

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

- Cr K Mair. Item P21/3912 – Riseley Activity Centre Structure Plan - Alignment with State Planning Policy 7.3, Residential Design Codes. Financial Interest.

7. QUESTIONS

Nil.

8. DEPUTATIONS

The Presiding Member advised that two deputations had been approved for this meeting.

- 8.1 Mr A Meshkin - P21/3936 Review of Compliance and Enforcement Actions -18A And 18B Tweeddale Road, Applecross.
- 8.2 Mr M McLerie, City of Melville Residents and Ratepayers Association - P21/3936 Review of Compliance and Enforcement Actions -18A and 18B Tweeddale Road, Applecross.

The Presiding Member advised that three written deputations had been submitted for this meeting and these had been circulated prior to the meeting

- 8.3 Mr M Fitzgibbon, Melville - P21/3937 Review of Local Planning Policy 1.12 Child Care Premise and Family Day Care
- 8.4 Mr Tomasini, Bicton - Late Item P21/3943 Amendment to Single House (Site Works And Screening) – Lot 802 (10d) Birdwood Circus, Bicton WA 6157
- 8.5 W and A Symmons, Bicton - Late Item P21/3943 Amendment to Single House (Site Works And Screening) – Lot 802 (10d) Birdwood Circus, Bicton WA 6157

9. 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 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 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 and made available on the City of Melville Website www.melvillecity.com.au/agendas 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.

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.

The request should be received at least two working days before the meeting and a response will be given by the Governance and Compliance Advisor (G&CA). If approved, the G&CA will respond to the email and include as attachments the "Guidelines and Protocols" document and the "purpose of the Agenda Briefing Forum".

A deputation may comprise a maximum of three people of which only two may speak.

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.

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).

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.

Hardcopies of the presentation will be required if a copy of the presentation is to be distributed to Elected Members and staff (20 copies).

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.

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.

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 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.

AGENDA ITEMS FOR PRESENTATION

At 6:43pm the Mayor brought forward P21/3936 Review of Compliance and Enforcement Actions – 18A and 18B Tweeddale Road, Applecross for the convenience of those giving deputations.

P21/3936	<p>Review of Compliance and Enforcement Actions -18A and 18B Tweeddale Road, Applecross</p> <p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning Mark Scarfone – Planning Services Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 6:43pm Mr Meshkin entered the meeting to present a deputation which concluded at 6:48pm. At 6:58pm, Mr Meshkin left the meeting. <u>Mr Meshkin – Deputation Handout – P21/3936</u></p> <p>At 6:59pm Mr McLerie entered the meeting to present a deputation which concluded at 7:11pm. <u>Deputation – City of Melville Residents and Ratepayers Association</u> At 7:16pm, Mr McLerie left the meeting.</p> <p>At 7:16pm Mr Prendergast and Mr Scarfone entered the meeting for the purpose of answering questions on the matter, which concluded at 7:40pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>
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COUNCIL RESOLUTION

At 7:05pm, Cr Kepert moved, Seconded Cr Sandford –

That Mr McLerie be granted a further five minutes to speak on the matter.

At 7:05pm the Mayor declared the motion

CARRIED (6/5)

For	6	Cr Kepert, Cr Sandford, , Cr Mair, Cr Fitzgerald, Cr Pazolli, Cr Fitzgerald
Against	5	Cr Robartson, Cr Barber, Cr Macphail, Cr Robins, Mayor Gear

At 7:39pm Ms Davis left the meeting and returned at 7:44pm.

At 7:40pm the Mayor brought forward Late Item P21/3943 - Amendment To Single House (Site Works And Screening) – Lot 802 (10d) Birdwood Circus, Bicton WA 6157 for the convenience of those giving deputations.

<p>P21/3943</p>	<p>Late Item - Amendment To Single House (Site Works And Screening) – Lot 802 (10d) Birdwood Circus, Bicton WA 6157</p>
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning</p> <p>DEPUTATION/PRESENTATION/S At 7:40pm the Mayor advised the meeting that a written deputation from W & A Symmons had been tabled for reading.</p> <p><u>Written Deputation – W & A Symmons – P21/3943</u></p> <p>At 7:40pm the Mayor advised the meeting that a written deputation from Mr Tomasini had been tabled for reading.</p> <p><u>Written Deputation – Mr Tomasini – P21/3943</u></p> <p>At 7:40pm, with the permission of the Presiding Member, Mr Tomasini entered the meeting to answer questions on the matter, which concluded at 7:49pm.</p> <p>At 7:50pm Mr Prendergast and Mr Scarfone entered the meeting for the purpose of answering questions on the matter, which concluded at 8:05pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 7:45pm Mr Murphy left the meeting and returned at 7:47pm.

Disclosure of Interest

Member	Cr K Mair
Type of Interest	Financial Interest
Nature of Interest	I am the director of a company that owns property in the Riseley Activity Centre.
Request	Leave
Decision Leave	Leave

At 7:49pm after having declared an interest in the matter, Cr Mair left the meeting.

At 7:49pm Cr Sandford left the meeting and returned at 7:52pm.

At 7:50pm Cr Macphail left the meeting and returned at 7:51pm.

At 7:50pm Mr Rae left the meeting and returned at 7:55pm.

At 7:50pm Mr Prendergast left the meeting and returned at 7:52pm.

At 7:50pm Cr Barber left the meeting and returned at 7:52pm.

At 7:54pm Mr Scarfone left the meeting and returned at 7:56pm.

At 7:58pm Ms Young left the meeting and returned at 8:00pm.

At 8:00pm Ms Day left the meeting and returned at 8:02pm.

At 8:01pm Cr Kepert left the meeting and did not return.

P21/3912	<p>Riseley Activity Centre Structure Plan - Alignment with State Planning Policy 7.3, Residential Design Codes</p>
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S At 7:49pm Mr Ponton entered the meeting for the purpose of answering questions on the matter, which concluded at 8:08pm.</p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Mair. Financial Interest. Leave. <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

P21/3935	Scheme Amendment No.10, Rezoning Parks and Reserves from 'Residential' to 'Public Open Space' - Report on Results of Stakeholder Engagement
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S</p> <p>At 8:08pm Mr Ponton entered the meeting for the purpose of answering questions on the matter, which concluded at 8:10pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:08pm Cr Mair returned to the meeting.

At 8:08pm Ms Young left the meeting and returned at 8:09pm.

P21/3936	Review of Compliance and Enforcement Actions -18A and 18B Tweeddale Road, Applecross
	<p>Item Brought Forward. See Page 9.</p>

P21/3937	Review of Local Planning Policy 1.12 Child Care Premise and Family Day Care
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning Mark Scarfone – Planning Services Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 8:10pm the Mayor advised the meeting that a written deputation by Mr Fitzgibbon had been tabled for reading.</p> <p><u>Written Deputation – Mr Fitzgibbon – P21/3937</u></p> <p>At 8:10pm Mr Prendergast and Mr Scarfone entered the meeting for the purpose of answering questions and provide documentation, which concluded at 8:26pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members the CEO undertook to provide the submissions received on the Review of Local Planning Policy 1.12 information on the Elected Members Portal.</p>

T21/3940	Supply of Vegetation and Tree Watering Services for a Three Year Term with Option Period
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Mick McCarthy– Director Technical 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 officer recommendation</p>

T21/3942	RFT202124 Construction of Karlup Ceramics Studio
	<p>OFFICER PRESENTATION Mario Murphy – Manager City Buildings Cathy Day – Cultural Services Project Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 8:21pm Mr Murphy and Ms Day commenced a presentation which concluded at 8:33pm. At 8:42pm the Mr Murphy and Ms Day left the meeting.</p> <p>Officer Presentation – T21/3942 – Construction Of Karlup Ceramics Studio</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:26pm Mr Ponton left the meeting and did not return.

At 8:36pm Ms Davis left the meeting and returned at 8:38pm.

At 8:44pm Mr Murphy left the meeting and did not return.

At 8:44pm Ms Day left the meeting and did not return.

M21/5849	Policy Review, Council Policy CP-091 Elected Members Allowances and Expenses
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Corrine Newman – Governance Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 8:42pm Ms Newman was available for the purpose of answering questions which concluded at 8:46pm.</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

M21/5853	Review of Council Policy CP-017 Legal Representation Elected Members and Employees
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Corrine Newman – Governance Coordinator</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 officer recommendation</p>

M21/5854	Review of Council Policy CP-105 Election Caretaker Period
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Corrine Newman – Governance Coordinator</p> <p>DEPUTATION/PRESENTATION/S At 8:46pm Ms Newman was available for the purpose of answering questions which concluded at 8:47pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation</p>

M21/5000	Common Seal Register
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Louis Hitchcock – Executive Manager Governance and Legal 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 officer recommendation</p>

C21/6000	Investment Statements for June 2021
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Marten Tieleman – CEO</p> <p>DEPUTATION/PRESENTATION/S At 8:47pm Mr Tieleman was available for the purpose of answering questions which concluded at 8:49pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation</p>

C21/6001	Schedule of Accounts Paid June 2021
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Marten Tieleman – CEO</p> <p>DEPUTATION/PRESENTATION/S At 8:47pm Mr Tieleman was available for the purpose of answering questions which concluded at 8:49pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C21/6002	Statements of Financial Activity for June 2021
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Marten Tieleman – CEO</p> <p>DEPUTATION/PRESENTATION/S At 8:47pm Mr Tieleman was available for the purpose of answering questions which concluded at 8:49pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

P21/3943	Late Item - Amendment To Single House (Site Works And Screening) – Lot 802 (10d) Birdwood Circus, Bicton WA 6157
	Item Brought Forward. See page 10.

At 8:51pm Cr Robartson left the meeting and returned at 8:53pm.

At 8:53pm Cr Macphail left the meeting and returned at 8:55pm.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 9:06pm.