

## AGENDA BRIEFING FORUM

TO BE HELD ON

TUESDAY, 12 April 2022

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 will be 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*.

Use this link to attend electronically, [Register for Agenda Briefing Forum 12 April 2022](#)

*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.*

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

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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.

**Please note: The Agenda for the Briefing Forum should be read in conjunction with the [Agenda for the Ordinary Meeting of the Council to be held on 19 April 2022](#).**

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](http://www.melvillecity.com.au) in accordance with the provisions of the Policy.

DISTRIBUTED: 1 APRIL 2022

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## AGENDA BRIEFING FORUM

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 12 April 2022 commencing at 6.30pm.

The business paper for the Meeting is scheduled below and your attendance is requested.

**Marten Tieleman**  
Chief Executive Officer

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## AGENDA BRIEFING FORUM

### 1. OPENING

The Presiding Member will cause the Acknowledgement of Country to be read aloud by an Elected Member.

***Acknowledgement of Country***

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.

The Presiding Member will bring to attention of the meeting the purpose of Agenda Briefing Forum.

***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.

The Presiding Member will to the attention of the meeting the 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 Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

- 2. ELECTED MEMBERS PRESENT**
  
- 3. IN ATTENDANCE**
  
- 4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**
  - 4.1 APOLOGIES**
  - 4.2 APPROVED LEAVE OF ABSENCE**
  
- 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.**
  - 5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.**
  
- 6. DISCLOSURE OF INTEREST**
  
- 7. PUBLIC QUESTIONS**
  
- 8. DEPUTATIONS**
  
- 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 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 <https://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.

- (a) 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 [governance@melville.wa.gov.au](mailto:governance@melville.wa.gov.au) or **Fax** on 9364 0285 by 9.00am on the Monday prior to the meeting.
- (b) The request should be received at least two working days before the meeting and a response will be given by the Governance Coordinator (GC). If approved, the GC will respond by email.
- (c) A deputation may comprise a maximum of three people of which only two may speak.
- (d) 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.
- (e) 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).
- (f) 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.
- (g) Hardcopies of the presentation will be required if a copy of the presentation is to be distributed to Elected Members and staff (20 copies).
- (h) 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.
- (i) 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.
- (j) 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.**

**9. AGENDA ITEMS FOR PRESENTATION****URBAN PLANNING****P22/3977 - Adoption of Amendment No.13 to Local Planning Scheme 6 – Childcare Premises****Officer Presentation – Presentation and Questions**

Peter Prendergast – Manager Statutory Planning

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**P22/3981 - Review of Local Planning Policy 3.1 Residential Development****Officer Presentation – Presentation and Questions**

Peter Prendergast – Manager Statutory Planning

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**TECHNICAL SERVICES****T22/3965 - Technical Services Policy Review****Officer Presentation –Questions Only**

Mick McCarthy – Director Technical Services

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**T22/3978 - John Connell Oval Extension****Officer Presentation – Presentation and Questions**

Jeff Bird – Manager Natural Areas and Parks

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**COMMUNITY DEVELOPMENT****CD22/8147 - Webber Reserve Master Plan****Officer Presentation – Questions Only**

Geoff Edwards – Leisure Project Officer

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**MANAGEMENT SERVICES****M22/5899 - Local Government (Meeting Procedures) Local Law 2022 – Report of Public Submissions****Officer Presentation – Questions Only**

Anne Hill – Governance Project Officer

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**M22/5000 – Common Seal Register****Officer Presentation – Questions Only**

Bruce Taylor – Manager Governance and Property

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**CORPORATE SERVICES****C22/6000 – Investment Statements for February 2022****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**C22/6001 – Schedule of Accounts Paid February 2022****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**C22/6002 – Statements of Financial Activity for February 2022****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

**Deputation/Presentation(s)****Disclosure of Interest****Notes from Forum**

To be advised.

**10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED****CONFIDENTIAL ITEM M22/5890 – GROUND LEASE REDEVELOPMENT AGREEMENT 13  
THE ESPLANADE AND 64 KISHORN ROAD, MT PLEASANT – ALTERNATE MOTION**

Alternate Motion deferred from 15 February 2022 Ordinary Meeting of Council.

**Notes from Forum**

To be advised.

**11. CLOSURE**