



NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON TUESDAY, 8 FEBRUARY 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*.

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:

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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 in accordance with the provisions of the Policy.

DISTRIBUTED: 11 FEBRUARY 2022

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Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday 8 February 20221 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 Margaret 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 T Fitzgerald (Deputy Mayor)
Cr K Wheatland
Cr D Macphail,
Cr N Robins
Cr M Woodall,
Cr J Spanbroek
Cr N Pazolli
Cr C Ross
Cr K Mair
Cr M Sandford
Cr G Barber, Cr J Edinger

WARD

Palmyra – Melville – Willagee (*electronic attendance*)
Palmyra – Melville – Willagee (*electronic attendance*)
Bateman – Kardinya – Murdoch
Bateman – Kardinya – Murdoch (*electronic attendance*)
Bull Creek – Leeming (*electronic attendance*)
Bull Creek – Leeming (*electronic attendance*)
Applecross – Mount Pleasant (*electronic attendance*)
Applecross – Mount Pleasant
Central
Central (*electronic attendance*)
Bicton – Attadale – Alfred Cove

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Ms C Young	Director Community Development
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Mr G Ponton	A/Director Urban Planning
Mr P Prendergast	Manager Statutory Planning
Mr J Rae	Strategic Land & Property Executive
Mr J Bird (<i>Until 8:16pm</i>)	Manager Natural Areas and Parks (<i>electronic attendance</i>)
Ms K Ellis (<i>Until 7:30pm</i>)	Community Development Coordinator - People
Mr F Ross (<i>Until 7:30pm</i>)	Community Development Officer – Youth
Mr B Taylor	Manager Governance and Property (<i>electronic attendance</i>)
Ms C Newman	Coordinator Governance
Ms R Davis	Governance Officer (<i>electronic attendance</i>)

At the commencement of the meeting, there were 9 members of the public in the Public Gallery and 6 members of the public and no representatives from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Mr S Cope Director Urban Planning

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 Wheatland -- P22/3956 – Adoption of Amendment No.12 to Local Planning Scheme 6 – 71-77 Leach Highway and 2-6 Webber Street Willagee – Impartiality Interest.

7. PUBLIC QUESTIONS

Nil.

8. DEPUTATIONS

8.1 **Mr Michael Dillon, Mr Leon House and Ms Janet Dillon**

P22/3963 – Petition – Fence at 44 Ardross Street, Applecross

8.2 **Ms Caitlin Eaton and Ms Sarah Hirst, Youth Affairs Council WA (YACWA)**

CD22/8145 – Directions from Young People Strategy

8.3 **Mr Graeme Ferguson, Applecross**

P22/3964 – Request for Scheme Amendment – Rezoning No. 45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30

8.4 **Mr Max FitzGibbon, Melville**

M22/5890 Confidential Item – Ground Lease Redevelopment Agreement Oryx Communities 13 The Esplanade and 64 Kishorn Road, Mt Pleasant.

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. AGENDA ITEMS FOR PRESENTATION

At 6:35pm the Mayor brought forward Item P22/3963 – Petition – Fence at 44 Ardross Street, Applecross for the convenience of those making a deputation.

ITEMS BROUGHT FORWARD

P22/3963 – Petition – Fence at 44 Ardross Street, Applecross

Officer Presentation – Presentation and Questions Only

Peter Prendergast – Manager Statutory Planning

Deputation/Presentation(s)

Mr M Dillon, Mr L House and Ms J Dillon commenced a deputation at 6:35pm, which concluded at 6:45pm. At 7:06pm Mr Dillon, Mr House and Ms Dillon returned to the Public Gallery.

Mr Prendergast answered questions on the item from 6:50pm until 7:06pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 7:07pm the Mayor brought forward Item CD22/8145 – Directions from Young People Strategy for the convenience of those making a deputation.

CD22/8145 – Directions from Young People Strategy

Officer Presentation – Presentation and Questions

Kayleigh Ellis – Community Development Coordinator - People

Felix Ross – Community Development Officer - Youth

Deputation/Presentation(s)

Ms Eaton and Ms Hirst commenced a deputation at 7:07pm, which concluded at 7:17pm.

At 7:31pm Ms Eaton and Ms Hirst returned to the Public Gallery.

Ms Ellis and Mr Ross answered questions on this item from 7:17pm until 7:31pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 7:31pm Ms Ellis and Mr Ross left the meeting and did not return.

At 7:31pm the Mayor brought forward Item P22/3964 – Request for Scheme Amendment – Rezoning No. 45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30 for the convenience of those making a deputation.

P22/3964 – Request for Scheme Amendment – Rezoning No. 45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30

Officer Presentation – Questions Only

Gavin Ponton – A/Director Urban Planning

Deputation/Presentation(s)

Mr Ferguson commenced a deputation at 7:31pm, which concluded at 7:35pm. At 7:38pm Ferguson returned to the Public Gallery.

Mr Ponton answered questions on this item from 7:38pm until 7:42pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 7:34pm Ms Young left the meeting and returned at 7:35pm.

At 7:42pm the Mayor brought forward the Item M22/5890 - Confidential Item – Ground Lease Redevelopment Agreement Oryx Communities 13 The Esplanade and 64 Kishorn Road Mt Pleasant for the convenience of those making a deputation. As the Item is confidential, the officers Presentation will be delivered at the end of the meeting behind closed doors in accordance with Section 5.23(c) and (e) of the *Local Government Act 1995*.

M22/5890 - Confidential Item – Ground Lease Redevelopment Agreement Oryx Communities 13 The Esplanade and 64 Kishorn Road Mt Pleasant

Deputation/Presentation(s)

Mr FitzGibbon commenced a deputation at 7:43pm, which concluded at 7:53pm. At 8:02pm Mr FitzGibbon returned to the Public Gallery. [Deputation to Item M22-5890 - Mr FitzGibbon.](#)

Confidential Presentation from Officer will be dealt with behind closed doors at the end of the meeting, in accordance with Section 5.23(c) and (e) of the *Local Government Act 1995*.

Disclosure of Interest

Nil

URBAN PLANNINGDisclosure of Interest

Member	Cr Karen Wheatland
Type of Interest	Impartiality Interest
Nature of Interest	I live on Leach Highway.
Request	Stay, discuss and vote
Decision Leave	Stay, discuss and vote

P22/3956 – Adoption of Amendment No.12 to Local Planning Scheme 6 – 71-77 Leach Highway and 2-6 Webber Street Willagee**Officer Presentation – Questions Only**

Gavin Ponton – Manager Strategic Urban Planning

Deputation/Presentation(s)

Mr Ponton answered questions on this item from 8:03pm until 8:05pm.

Disclosure of Interest

Cr Wheatland – Impartiality Interest

Notes from Forum

General discussion took place regarding the item and officer recommendation.

P22/3959 – Road Closure – South Street, Murdoch**Officer Presentation – Presentation and Questions Only**

Peter Prendergast – Manager Statutory Planning

Deputation/Presentation(s)

Mr Prendergast was available to answer questions.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

P22/3963 – Petition – Fence at 44 Ardross Street, Applecross**Item Brought Forward.**

See Page 9

P22/3964 – Request for Scheme Amendment – Rezoning No. 45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30

Item Brought Forward.
See Page 10

TECHNICAL SERVICES**T22/3958 – Request to Remove Street Tree at 73 Beamish Avenue, Brentwood****Officer Presentation – Questions Only**

Jeff Bird – Manager Natural Areas and Parks (*electronic attendance*)

Deputation/Presentation(s)

Mr Bird answered questions on this item from 8:05pm until 8:12pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At the request of Elected Members the CEO undertook to liaise with the applicant regarding the deputation process.

T22/3966 – Supply of General Maintenance Services**Officer Presentation – Presentation and Questions**

Mick McCarthy – Director Technical Services

Deputation/Presentation(s)

Mr McCarthy was available to answer on this item.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

T22/3967 – Supply of Tree Maintenance for City of Melville**Officer Presentation – Questions Only**

Jeff Bird – Manager Natural Areas and Parks

Deputation/Presentation(s)

Mr Bird answered questions on this item from 8:12pm until 8:15pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 8:16pm Mr Bird left the meeting and did not return.

COMMUNITY DEVELOPMENT**CD22/8145 – Directions from Young People Strategy****Item Brought Forward**

See Page 9.

MANAGEMENT SERVICES**M22/5862 – Melville City Centre Land Exchange Agreement****Officer Presentation – Questions Only**

Jeremy Rae - Strategic Land & Property Executive

Deputation/Presentation(s)

Mr Rae answered questions on this item from 8:16pm until 8:22pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 8:18pm Cr Barber left the meeting and returned at 8:18pm.

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

Bruce Taylor – Manager Governance and Property

Deputation/Presentation(s)

Mr Taylor was available to answer questions on this item.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

CORPORATE SERVICES**C22/6000-1 – Investment Statements for November 2021****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris was available to answer questions on this item.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

C22/6000-2 – Investment Statements for December 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris was available to answer questions on this item.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

C22/6001-1 – Schedule of Accounts Paid November 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris was available to answer questions on this item

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

C22/6001-2 – Schedule of Accounts Paid December 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris answered questions on this item from 8:22pm until 8:22pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

C22/6002-1 – Statements of Financial Activity for November 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris was available to answer questions on this item.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

C22/6002-2 – Statements of Financial Activity for December 2021**Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris was available to answer questions on this item.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 8:25pm Cr Macphail left the meeting and returned at 8:27pm.

LATE ITEMS**C22/6189 – 2021-2022 Mid-Year Budget Review****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

Deputation/Presentation(s)

Mr Ferris answered questions on this item from 8:25pm until 8:30pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

At 8:28pm Mr Prendergast left the meeting and returned at 8:31pm.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Procedural Motion

COUNCIL RESOLUTION

At 8:31pm Cr Edinger moved, seconded C Ross –

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

At 8:31pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

M22/5890 - Confidential Item – Ground Lease Redevelopment Agreement Oryx Communities 13 The Esplanade and 64 Kishorn Road Mt Pleasant
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Officer Presentation – Questions Only
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Jeremy Rae – Strategic Property Executive

Deputation/Presentation(s)

Mr FitzGibbon's deputation on this item was made earlier in the meeting. See page 10.

Mr Rae commenced a confidential presentation at 8:32pm, which concluded at 8:38pm and responded to questions until 9:13pm.
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Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.
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At 9:09pm Ms Young left the meeting and returned at 9:11pm.

Procedural Motion**COUNCIL RESOLUTION**

At 9:14pm Cr Wheatland moved, seconded Cr Barber –

That the meeting comes out from behind closed doors.

At 9:14pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

11. CLOSURE

There being no further business to discuss, the Mayor confirmed that Cr Fitzgerald, Cr Wheatland, Cr Robins, Cr Pazolli, Cr Spanbroek, Cr Woodall and Cr Sandford were in attendance electronically and declared the meeting closed at 9:14pm.