

NOTES OF THE

AGENDA BRIEFING FORUM

HELD ON 9 NOVEMBER 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: 12 November 2021

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Nil.

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**Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre,
10 Almondbury Road, Booragoon on Tuesday 9 November 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 Karen Wheatland 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
Palmyra – Melville – Willagee
Bateman – Kardinya – Murdoch
Bull Creek – Leeming
Applecross – Mount Pleasant
Central
Bicton – Attadale – Alfred Cove

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr T Cahoon (<i>Until 7:21pm</i>)	Acting Director Community Development
Mr S Cope	Director Urban Planning
Mr M Murphy (<i>Until 7:21pm</i>)	Acting Director Technical Services
Mr J Rae	Strategic Land and Property Executive
Mr B Taylor	Manager Governance and Property
Ms C Newman	Coordinator Governance
Ms R Davis	Governance Officer

At the commencement of the meeting, there were 3 members of the public in the Council Chambers, 3 members of the public and no representatives from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

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 Spanbroek. M21/3923 – New Lease Agreements for Sporting and Recreation Clubs. Stay, Discuss and Vote.
- Cr Mair. M21/3923 – New Lease Agreements for Sporting and Recreation Clubs. Stay, Discuss and Vote.

7. PUBLIC QUESTIONS

Nil.

8. DEPUTATIONS

Nil.

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**URBAN PLANNING****P21/3950 – Review of Local Planning Policy 3.1 Residential Development****Officer Presentation – Questions Only**

Steve Cope – Director Urban Planning

Deputation/Presentation(s)

Mr Cope was available to answer questions at 6:36pm, which concluded at 6:52pm.

Disclosure of Interest

Nil.

Notes from Forum

At 6:50pm the CEO suggested that the policy be withdrawn from the Agenda and brought to an Elected Members Workshop. At 6:51pm the Mayor agreed to withdraw the item from the November 2021 Ordinary Meeting of Council for discussion at an Elected Member Workshop with the following matters to be addressed

- Item 3. C4.1– clarification on if this is a mandatory requirement.
- Item 3 C4.1 – Can this clause be more specific in regards to permeability and width specifications?
- Item 3 C4.1 Can there be specific measurements included in the Policy to ensure that compliance can be met?
- Item 1 C2.1 vii. – What is the impact on verge trees? i.e. Sabina.
- Can we have a consistent approach to climate change application in Policy? i.e. Building sustainable developments.
- Item 5. Can discretion be applied case to case? i.e. privacy issues.
- Item 6 Clarity around boundary walls and how it achieves an effective use of space.

Officers to give consideration to the proposed grammatical changes:

- Numbering seems to be incorrect, correct the number or provide reference as to why it is like this.
- C4.4 – “metre box” should be “meter box”.
- Documents to be provided showing where changes have been made for ease of reference.

P21/3951 – Request for Scheme Amendment – Childcare Premises**Officer Presentation –Questions Only**

Steve Cope – Director Corporate Services

Deputation/Presentation(s)

Mr Steve Cope was available to answer questions at 6:52pm, which concluded at 6:57pm.

Disclosure of Interest

Nil.

Notes from Forum

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

- Cr Pazolli – Clarification around the correct use of the term “Primary Regional Roads” and “Primary Distributor Roads”.
- Cr Sandford – Requesting the naming of the roads in the Scheme Amendment. i.e. Stock Road, Leach Highway, Canning Highway.
- Cr Pazolli – Further clarity around what the “Stakeholder Engagement” involves.
- Cr Sandford – Clarification on the advertising period and whether the Scheme Amendment will be enacted immediately.
- Information on the timeline for the Scheme Amendment Process.

TECHNICAL SERVICES

Nil.

COMMUNITY DEVELOPMENT

Nil.

MANAGEMENT SERVICES

Disclosure of Interest

Member	Cr Spanbroek
Type of Interest	Impartiality Interest
Nature of Interest	I am a social member at Leeming Bowling Club
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Disclosure of Interest

Member	Cr Mair
Type of Interest	Impartiality Interest
Nature of Interest	Sponsor at the Leeming Bowling Club
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

M21/3923 – New Lease Agreements for Sporting and Recreation Clubs

Officer Presentation –Questions Only

Jeremy Rae – Strategic Land and Property Executive

Deputation/Presentation(s)

Mr Rae entered the Council at 6:58pm, which concluded at 7:13pm.

Disclosure of Interest

Cr Spanbroek – Impartiality Interest.

Notes from Forum

Officer Amendment was circulated at the meeting. [Officer Amendment to M21/3923](#)

Mr Rae clarified that the expiry of the first ten year period is 31 December 2040.

General discussion took place regarding the item and officer recommendation.

At the request of Elected Members the CEO undertook to provide information in the Elected Members Bulletin on the number of the Sporting Clubs in the City of Melville.

At the request of Elected Members the CEO undertook to provide the leases associated with this item on the Elected Member Portal.

M21/5782 – Election of Representatives to Committees 2021-2023**Officer Presentation – Questions Only**

Corrine Newman – Governance Coordinator

Deputation/Presentation(s)

Ms Newman was available to answer questions at 7:14pm, which concluded at 7:15pm.

Disclosure of Interest

Nil.

Notes from Forum

Ms Newman advised the Council of a number of Councillor Amendments.

[Officer Amendment to M21/5782](#)

At the request of Elected Members the CEO undertook to provide information in the Elected Member Bulletin on the Committees offering remuneration.

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

Bruce Taylor – Manager Governance and Property

Deputation/Presentation(s)

Nil.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

CORPORATE SERVICES**C21/6000 – Investment Statements for September 2021****Officer Presentation – Questions Only**

Marten Tieleman – Chief Executive Officer

Deputation/Presentation(s)

Nil.

Disclosure of Interest

Nil.

Notes from Forum

No discussion took place regarding the item and officer recommendation.

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

Marten Tieleman – Chief Executive Officer

Deputation/Presentation(s)

The CEO was available to answer questions at 7:15pm, which concluded at 7:15pm.

Disclosure of Interest

Nil.

Notes from Forum

General Discussion took place on this item.

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

Marten Tieleman – Chief Executive Officer

Deputation/Presentation(s)

The CEO was available to answer questions at 7:16pm, which concluded at 7:19pm.

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 provide information in the Elected Member Bulletin related to City Building Budget Amendments.

LATE ITEMS**P21/3954 – Amendment to Single House – Lot 802 (10D) Birdwood Circus, Bicton (Section 31 SAT Reconsideration)****Officer Presentation – Presentation and Questions**

Steve Cope – Director Urban Planning

Deputation/Presentation(s)

Mr Cope was available to answer questions at 7:19pm, which concluded at 7:20pm.

Disclosure of Interest

Nil.

Notes from Forum

At the request of Elected Members the CEO undertook to provide information in the Elected Member Bulletin to clarify the correct height of the fence as identified at the SAT Mediation.

M21/5878 Development Assessment Panels City of Melville Nominations**Officer Presentation – Presentation and Questions**

Bruce Taylor – Manager Property and Governance

Deputation/Presentation(s)

Mr Taylor was available to answer questions at 7:20pm which concluded at 7:21pm.

Disclosure of Interest

Nil.

Notes from Forum

General discussion took place regarding the item and officer recommendation.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

Procedural Motion**COUNCIL RESOLUTION**

At 7:21pm Cr Wheatland moved, Seconded Cr Barber –

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 7:21pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 7:21pm Mr Murphy left the meeting and did not return.

At 7:21pm Mr Cahoon left the meeting and did not return.

At 7:21pm Cr Pazolli left and returned at 7:24pm.

At 7:21pm Cr Spanbroek left and returned at 7:24pm.

CONFIDENTIAL ITEMS**Confidential Item M21/5865 – Variation to Agreement for Lease for Melville Health, Aged and Community Care (WA) Pty Ltd****Officer Presentation – Questions Only**

Jeremy Rae – Strategic Land and Property Executive

Deputation/Presentation(s)

Mr Rae entered the Chamber at 7:24pm for the purpose of answering questions, which concluded at 7:32pm.

Disclosure of Interest

Nil

Notes from Forum

General discussion took place regarding the item and officer recommendation.

Confidential Item M21/5877 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant**Officer Presentation – Presentation and Questions**

Jeremy Rae – Strategic Land and Property Executive

Deputation/Presentation(s)

Mr Rae commenced a presentation at 7:32pm, which concluded at 7:52 pm. At 8:09pm the officer left the chamber.

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 give consideration to the inclusion of the specified maximum height applicable to the ten storey condition.

At 8:10pm the Mayor advised the Council of two late items to be distributed on Wednesday, 10 November 2021.

- Confidential Item C21/5885 – WALGA Energy Procurement Framework, and;
- Confidential Item M21/5879 – Nomination for Honorary Freeman of The City

Procedural Motion**COUNCIL RESOLUTION**

At 8:10pm Cr Wheatland moved, seconded Cr Barber –

That the meeting comes out from behind closed doors.

At 8:10pm 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 8:10pm.