

NOTES OF THE
AGENDA BRIEFING FORUM
TUESDAY 3 November 2020

**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 were 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 in accordance with the provisions of the Policy.

DISTRIBUTED: 6 November 2020

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Notes of the Agenda Briefing Forum held electronically in accordance with Regulation 14D(2)(a) of the *Local Government (Administration) Regulations 1996*, Tuesday 3 November 2020, commencing at 6.31pm.

AGENDA BRIEFING FORUM

1. OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:31pm and invited Cr Katy Mair to read the Acknowledgment 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 requested Mr B Taylor, Manager Governance and Property to read aloud the Disclaimer and the Purpose of the Agenda Briefing Forum and then the Mayor advised that the meeting was being recorded for minute taking purposes and read aloud the following 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 S Kepert, Cr N Pazolli
Cr D Macphail, Cr N Robins
Cr C Robartson
Cr K Mair, Cr M Sandford
Cr T Fitzgerald

WARD

Bicton – Attadale – Alfred Cove
Bicton – Attadale – Alfred Cove
Applecross – Mount Pleasant
Bateman – Kardinya - Murdoch
Bull Creek – Leeming
Central
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 A Ferris	Director Corporate Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms J Head	Governance Officer

Officers in Attendance

Ms P Venter (<i>until 8:49pm</i>)	Strategic Urban Planner
Mr S Kerr (<i>until 7:25pm</i>)	Senior Strategic Urban Planner
Mr G Ponton (<i>until 9:00pm</i>)	Manager Strategic Urban Planning
Mr P Prendergast (<i>until 9:18pm</i>)	Manager Statutory Planning
Ms A Hill (<i>until 9:30pm</i>)	Governance Project Officer

At the commencement of the meeting there were 26 members of the public and no representative from the Press in the Public Gallery, 11 members of the public and no representative from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Cr K Wheatland Palmyra – Melville - Willagee

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 Mair -Item P20/388 Initiation of Amendment to Southern Boundary of the Canning Bridge Activity Centre. Financial Interest.

7. QUESTIONS

Nil.

8. DEPUTATIONS**8.1 Mr D Read and Mr C Thatcher (Element WA)**

P20/3882 – Kardinya District Centre – Proposed Activity Centre Plan.

8.2 Ms K Warren of Kardinya

P20/3882 – Kardinya District Centre – Proposed Activity Centre Plan.

8.3 Mr M McLerie of Bicton

C20/5788 – Independent Review – Cessation of Contract.

8.4 Mr D Kenny and Ms F Kenny of Applecross

C20/5788 - Independent Review – Cessation of Contract.

8.5 Mr C Ross and Mr I Pound of Applecross

Item P20/3883 – Initiation of Amendment to Southern Boundary of the Canning Bridge Activity Centre.

8.6 Mr D O'Dwyer (OX Studio) – *Electronic Presentation.*

Item P20/3881 – Additions and Alterations to Existing Single Storey Grouped Dwelling Lot 1 (No.36) Zenobia Street, Palmyra 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.

- (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 deputations@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 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".
- (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

At 6:36pm the Mayor brought forward Item P20/3882 Kardinya District Centre – Proposed Activity Centre, for the convenience of the public gallery.

P20/3882	Kardinya District Centre – Proposed Activity Centre Plan
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Gavin Ponton – Manager Strategic Urban Planning Scott Kerr – Senior Strategic Urban Planner</p> <p>DEPUTATION/PRESENTATION/S Mr David Read and Mr C Thatcher representing Element WA commenced a presentation at 6:36pm, which concluded at 6:43pm. Mr Read and Mr Thatcher departed the Chambers at 6:50pm. <u>Presentation Element Kardinya Activity Centre Plan</u></p> <p>Ms Kristin Warren commenced a presentation at 6:51pm, which concluded at 7:00pm. Ms Warren departed the Chambers at 7:02pm. <u>Presentation K Warren Kardinya Activity Centre Plan</u></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 give consideration to making public the Amended Activity Centre Plan and arrange a community workshop as part of community consultation.</p>

At 7:20pm the Mayor brought forward Item C20/5788 Independent Review – Cessation of Contract, for the convenience of the public gallery.

C20/5788	Independent Review – Cessation of Contract
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Alan Ferris – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Mr Mark McLerie commenced a presentation at 7:20pm, which concluded at 7:30pm. Mr McLerie departed the Chambers at 7:39pm. Deputation Information Mr McLerie</p> <p>Mr Dale Kenny and Ms Fay Kenny commenced a presentation at 7:40pm, which concluded at 7:46pm. Mr Kenny and Ms Kenny departed the Chambers at 7:52pm</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>The Director Urban Planning undertook to review the request by Mr Kenny for a copy of the Construction Management Plan.</p>

*At 7:21pm Cr Robins left the meeting and returned at 7:23pm.
At 7:25pm Mr Kerr left the meeting and did not return*

At 8:08pm the Mayor brought forward Item P20/3883 Initiation of Amendment to Southern Boundary of the Canning Bridge Activity Centre, for the convenience of the public gallery.

Disclosure of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Director of a company that owns property in the CBACP area.
Request	Leave
Decision	Leave

At 8:08pm Cr Mair, having disclosed an interest in this item left the meeting.

P20/3883	<p>Initiation of Amendment to Southern Boundary of the Canning Bridge Activity Centre</p> <p>OFFICER PRESENTATION – QUESTIONS ONLY Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Mr Clive Ross and Mr Ian Pound commenced a presentation at 8:09pm, which concluded at 8:17pm. Mr Ross and Mr Pound departed the Chambers at 8:28pm. <u>Presentation Mr Ross P20 3883 Canning Bridge</u></p> <p>DISCLOSURE OF INTEREST Cr Mair – Financial Interest.</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 will provide in the Elected Member Bulletin the definition of Basic, Standard and Complex Amendments in accordance with Planning and Development Regulations.</p>
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At 8:29pm Cr Barton left the meeting and returned at 8:33pm

At 8:29pm Cr Barber left the meeting and returned at 8:32pm

At 8:29pm Cr Robartson left the meeting and returned at 8:34pm

P20/3878	Adoption of Amendment No.7 to Local Planning Scheme 6 – Marshall Road Local Centre, Myaree
	<p>OFFICER PRESENTATION Paula Venter – Strategic Urban Planner</p> <p>DEPUTATION/PRESENTATION/S Ms Venter commenced a presentation at 8:45pm, which concluded at 8:49pm. Ms Venter departed the Chambers at 8:49pm. <u>Officer Presentation Adoption of Amendment No 7 Marshall Road Local Centre</u></p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

At 8:45pm Cr Sandford left the meeting and returned at 8:48pm
At 8:45pm Cr Pazolli left the meeting and returned at 8:49pm
At 8:48pm Cr Mair returned to the meeting.
At 8:49pm Mr Hitchcock left the meeting and returned at 8:51pm

P20/3880	Parks & Reserves Zoned Residential In Local Planning Scheme No.6
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:46pm Mr Ferris left the meeting and returned at 8:48pm.
At 8:52pm Cr Kepert left the meeting and returned at 8:57pm.
At 8:53pm Mr Hitchcock left the meeting and returned at 8:55pm.
At 8:57pm Ms Young left the meeting and returned at 9:01pm.
At 9:00pm Mr Ponton left the meeting and did not return.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 9:01pm Cr Kepert moved, seconded Cr Sandford –

That the Council suspend the definition of “deputation” in clause 1.6 and clause 7.10 of the City of Melville Meeting Procedures Local Law 2017 for the purpose of accepting deputations by electronic submission.

At 9:01pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Mr O’Dwyer of OX Studio submitted a written deputation with respect to Item P20/3881 – Additions and Alterations to Existing Single Storey Grouped Dwelling Lot 1 (No.36) Zenobia Street, Palmyra WA 6157. The electronic deputation was circulated to Elected Members and staff prior to the meeting.

P20/3881	Additions and Alterations to Existing Single Storey Grouped Dwelling Lot 1 (No.36) Zenobia Street, Palmyra WA 6157
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Peter Prendergast – Manager Statutory Planning</p> <p>DEPUTATION/PRESENTATION/S Manager Statutory Planning commenced a presentation at 9:01pm, which concluded at 9:08pm. Mr Prendergast departed the Chambers at 9:18pm. <u>Officer Presentation 36 Zenobia Street Palmyra</u></p> <p>Mr O’Dwyer representing OX Studio. <u>Mr O’Dwyer Written Deputation Item P20 3881 36 Zenobia Street Palmyra</u></p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 9:18pm Mr Prendergast left the meeting and did not return.

P20/3882	Kardinya District Centre – Proposed Activity Centre Plan
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Item Brought forward.
See page 9.

P20/3883	Initiation of Amendment to Southern Boundary of the Canning Bridge Activity Centre
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Item brought forward.
See page 11.

T20/3877	Lawlor Road Drainage Sump Remediation
	<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 General discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members the CEO undertook to give consideration to retaining the Mulberry Tree in proximity of the sump.</p> <p>At the request of Elected Members the CEO undertook to provide information in the Elected Member Bulletin on alternative fencing options, including cost of using different material (eg brushwood) for the wall around the sump.</p>

M20/5784	Local Laws Repeal And Amendment – Public Consultation
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Anne Hill – Governance Project Officer</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

M20/5786	Report of Review of City of Melville Meeting Procedures Local Law 2017
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Anne Hill – Governance Project Officer</p> <p>DEPUTATION/PRESENTATION/S Nil.</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 a copy of the WALGA Model Meeting Procedures Local Law on the Elected Members Extranet.</p>

At 9:30pm Ms Hill left the meeting and did not return.

At 9:30pm Cr Robins left the meeting and did not return.

At 9:31pm Mr Hitchcock left the meeting and returned at 9:36pm.

M20/5789	Planning For CEO Performance Appraisal
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Alan Ferris – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

M20/5790	Update on Status of the Authorised Inquiry Recommendations
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Marten Tieleman – Chief Executive Officer</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>

M20/5792	Governance Committee General Business – Request for Report on Delegated Authority for Governance Committee
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Marten Tieleman – Chief Executive Officer</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>

At 9:37pm Cr Macphail left the meeting and returned at 9:40pm.

C20/5788	Independent Review – Cessation of Contract
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Item Brought Forward.
See page 10.

C20/6000	Investment Statements for September 2020
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Alan Ferris – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

C20/6001	Schedule of Accounts Paid September 2020
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Alan Ferris – Director Corporate 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>

C20/6002	Statements of Financial Activity for September 2020
	<p>OFFICER PRESENTATION - QUESTIONS ONLY Alan Ferris – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S Nil.</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 a copy of the draft Audited Financial Statements for 2019/2020 on the Elected Members Extranet.</p>

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 9:45pm.