

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 9 MARCH 2021
COMMENCING AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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DISTRIBUTED: 12 March 2021

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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 March 2021, commencing at 6.30pm.**

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.

At 6:31pm Cr Robins entered the chambers.

2. ELECTED MEMBERS PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr J Barton (Deputy Mayor)
Cr G Barber
Cr D Macphail
Cr N Robins (*from 6:31pm*)
Cr Robartson
Cr S Kepert, Cr N Pazolli
Cr T Fitzgerald
Cr K Mair, Cr M Sandford

WARD

Bicton – Attadale – Alfred Cove
Bicton – Attadale – Alfred Cove
Bateman – Kardinya - Murdoch
Bateman – Kardinya - Murdoch
Bull Creek - Leeming
Applecross – Mount Pleasant
Palmyra – Melville - Willagee
Central

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 (<i>until 8:07pm</i>)	Director Corporate Services (<i>electronic attendance</i>)
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr J Rae (<i>until 8:06pm</i>)	Strategic Land & Property Executive
Mr P Prendergast (<i>until 8:19pm</i>)	Manager Statutory Planning
Mr G Ponton (<i>until 8:06pm</i>)	Manager Strategic Urban Planning
Mr M Scarfone (<i>until 8:19pm</i>)	Planning Services Coordinator
Mr S Kerr (<i>until 7:52pm</i>)	Senior Officer Strategic Urban Planning
Ms P Venter (<i>until 8:06pm</i>)	Strategic Planning Officer
Mr J Bird (<i>until 8:13pm</i>)	Manager Natural Areas & Parks
Mr S Redcliff (<i>until 8:13pm</i>)	Principle Parks Coordinator
Mr B Taylor (<i>from 6:56 pm</i>)	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms T Wright	Governance Officer

At the commencement of the meeting, there were 11 members of the public in the Council Chambers and 7 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

Cr M Woodall Bull Creek - Leeming

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 Macphail – Item M21/5819 Motions from the Annual General Meeting of Electors 17 February 2021 – Motions Carried. Interests Under the Code.
- Cr Kepert – Item P21/3899 Assessment of Parks and Reserves Zoned Residential in Local Planning Scheme No.6. Interest Under the Code.

7. QUESTIONS

Nil.

8. DEPUTATIONS**8.1 Mr Len Kosova of LK Advisory**

Item P21/3902 - Request for Scheme Amendment – Rezoning No 45-47 Canning Beach Road, Applecross from Residential to R12.5 to Residential R30

8.2 Mr M McLerie and Mr G Waugh representing the City of Melville Residents and Ratepayers Committee Inc.

Item M21/5819 Motions from the Annual General Meeting of Electors 17 February 2021 – Motions Carried.

8.3 Mr B Peters of Ardross

Item P21/3899 Assessment of Parks and Reserves Zoned Residential in Local Planning Scheme No6.

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 6:38pm the Mayor brought forward Item P21/3902 - Request for Scheme Amendment – Rezoning No.45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30 for the convenience of Mr Kosova to make his deputation.

At 6:38pm Mr Kosova entered the Chambers for the purpose of making a deputation.

P21/3902	Request for Scheme Amendment – Rezoning No.45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30
	<p>OFFICER PRESENTATION Gavin Ponton – Manager Strategic Urban Planning Paula Venter – Officer Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Mr Kosova commenced a presentation at 6:38pm, which concluded at 6:44pm. At 6:44pm Mr Kosova departed the Council Chamber.</p> <p>Ms Venter and Mr Ponton commenced a presentation at 6:44pm, which concluded at 6:47pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

Disclosure of Interest

Member	Cr Macphail
Type of Interest	Interest under the Code of Conduct
Nature of Interest	I was the subject of complaint to the Local Government Standards Panel (S.P. 2016-43) by City of Melville Residents and Ratepayers Committee Association Inc., (S.P. 2018-135) by Mr Clive Ross, (S.P. 2020-116) by Mr Clive Ross and (S.P. 2020-126) by Mr David Maynier.
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

At 6:56pm Mr Taylor entered the meeting.

At 6:56pm the Mayor brought forward Item M21/5819 - Motions from the Annual General Meeting of Electors 17 February 2021 – Motions Carried for the convenience of Mr Waugh and Mr McLerie to make their deputation.

At 6:56pm Mr Waugh and Mr McLerie entered the Chambers for the purpose of making a deputation.

M21/5819	Motions from the Annual General Meeting of Electors 17 February 2021 – Motions Carried
	<p>OFFICER PRESENTATION Bruce Taylor – Manager Governance and Property</p> <p>DEPUTATION/PRESENTATION/S Mr Waugh and Mr McLerie commenced a presentation at 6:56pm, which concluded at 7:03pm. At 7:03pm Mr Waugh and Mr McLerie departed the Council Chamber.</p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Macphail, Interest Under the Code of Conduct <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

At 7:01pm Cr Robartson left the meeting and returned at 7:04pm.

Disclosure of Interest

Member	Cr Kepert
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Former scout from 1 st Applecross Scout Group which used Baden Powell Reserve, Ardross
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

At 7:04pm the Mayor brought forward Item P21/3899 - Assessment of Parks and Reserves Zoned Residential in Local Planning Scheme No.6 for the convenience of Mr Peters to make his deputation.

At 7:04pm Mr Peters entered the Chambers for the purpose of making a deputation.

P21/3899	<p>Assessment of Parks and Reserves Zoned Residential in Local Planning Scheme No.6</p> <p>OFFICER PRESENTATION Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Mr Peters commenced a presentation at 7:04pm, which concluded at 7:11pm.</p> <p><u>Mr Peters Deputation to City of Melville Save Baden Powell Reserve</u></p> <p>Mr Ponton commenced a presentation at 7:16pm, which concluded at 7:47pm</p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Kepert, Interest under the Code of Conduct. <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>
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At 7:28pm the Mayor brought forward:

- Item C21/5808 - 2020-2021 Mid Year Budget Review,
- Item C21/6000 - Investment Statements for January 2021,
- Item C21/6001 - Schedule of Accounts Paid January 2021, and
- Item C21/6002 - Statements of Financial Activity for January 2021

for the convenience of Mr A Ferris - Director Corporate Services who was in attendance electronically.

C21/5808	2020-2021 Mid Year Budget Review
	<p>OFFICER PRESENTATION 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>

C21/6000	Investment Statements for January 2021
	<p>OFFICER PRESENTATION 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>

C21/6001	Schedule of Accounts Paid January 2021
	<p>OFFICER PRESENTATION 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>

C21/6002	Statements of Financial Activity for January 2021
	<p>OFFICER PRESENTATION 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>

P21/3894	Request to Minister for Lands to Acquire Various Alienated Land Parcels
	<p>OFFICER PRESENTATION Jeremy Rae – Strategic Property Executive</p> <p>DEPUTATION/PRESENTATION/S Mr Rae entered the chambers at 7:28pm to answer questions, which concluded at 7:32pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

P21/3903	Kardinya Activity Centre Plan – Recommendation to Western Australian Planning Commission
	<p>OFFICER PRESENTATION Gavin Ponton – Manager Strategic Urban Planning Scott Kerr – Senior Officer Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Mr Kerr and Mr Ponton commenced a presentation at 7:32pm, which concluded at 7:37pm.</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 following information in the Elected Member Bulletin:</p> <ul style="list-style-type: none"> • Advise to Elected Members in the EMB of when a deputation can be made to the Strategic Planning Council. • The current density (gross dwellings per hectare) for the Kardinya Activity Center Plan for State Planning Policy and what is the density target.

At 7:45pm Cr Barber left the meeting and returned at 7:48pm.

At 7:45pm Cr Sandford left the meeting and returned at 7:48pm.

P21/3905	Review of Local Planning Policy 1.17 Additional Development Exemptions
	<p>OFFICER PRESENTATION Mark Scarfone – Coordinator Planning Services</p> <p>DEPUTATION/PRESENTATION/S Mr Scarfone commenced answering questions at 7:50pm, which concluded at 7:56pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 7:52pm Mr Kerr left the meeting and did not return.

At 7:56pm Ms Young left the meeting and returned at 7:58pm.

At 7:57pm Mr Scarfone left the meeting and returned at 8:00pm.

At 7:57pm the Mayor brought forward Item P21/3908 – 6 Grouped Dwellings – Lot 12 (4) Tweeddale Road, Applecross for the convenience of the public gallery.

P21/3908	P21/3908 6 Grouped Dwellings – Lot 12 (4) Tweeddale Road, Applecross
	<p>OFFICER PRESENTATION Peter Prendergast – Manager Statutory Planning Michael Flanagan – Planning Officer</p> <p>DEPUTATION/PRESENTATION/S Mr Prendergast and Mr Flanagan commenced a presentation at 7:57pm, which concluded at 8:04pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:04pm Cr Barton left the meeting and returned at 8:09pm.

T21/3904	Request to Remove Street Tree at 23A St Michael Terrace Mount Pleasant
	<p>OFFICER PRESENTATION Jeff Bird – Manager Natural Areas and Parks Scott Redcliff – Principal Parks Coordinator</p> <p>DEPUTATION/PRESENTATION/S Mr Bird and Mr Redcliff commenced answering questions at 8:06pm, which concluded at 8:13pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:07pm Mr Ferris left the meeting and did not return.

At 8:13pm Cr Keperit left the meeting and returned at 8:20pm.

At 8:13pm the Mayor brought forward Item P21/3907– DA-2020-673 Proposed 4 Group Dwellings (Townhouses) – 161 Leach Highway, Willagee for the convenience of staff.

P21/3907	DA-2020-673 Proposed 4 Group Dwellings (Townhouses) – 161 Leach Highway, Willagee
	<p>OFFICER PRESENTATION Mark Scarfone – Planning Services Coordinator Peter Prendergast – Manager Statutory Planning</p> <p>DEPUTATION/PRESENTATION/S Mr Scarfone and Mr Prendergast commenced a presentation at 8:13pm, which concluded at 8:18pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:19pm Mr Scarfone left the meeting and did not return.

At 8:19pm Mr Prendergast left the meeting and did not return.

At 8:19pm Mr Kerr left the meeting and did not return.

M21/5803	Review of Council Policy CP-018 Terms of Office
	<p>OFFICER PRESENTATION 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>

M21/5810	New and Amended Regulations – Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021
	<p>OFFICER PRESENTATION Corrine Newman – Governance Coordinator</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>

M21/5813	City of Melville Health (Eating-Houses) Repeal Local Law 2021
	<p>OFFICER PRESENTATION Bruce Taylor – Manager Governance and Property</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>

M21/5814	City of Melville Bush Fires (Firebreaks) Repeal Local Law 2021
	<p>OFFICER PRESENTATION Bruce Taylor – Manager Governance and Property</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>

M21/5815	City of Melville Street Numbering Amendment Local Law 2021
	<p>OFFICER PRESENTATION Bruce Taylor – Manager Governance and Property</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 8:24pm Cr Macphail left the meeting and returned at 8:26pm.

M21/5000	Common Seal Register
	<p>OFFICER PRESENTATION Bruce Taylor – Manager Governance and Property</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>

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 8:26pm.