



City of
Melville

NOTES

AGENDA BRIEFING FORUM

6:30pm Tuesday, 6 December 2022
Held in the Council Chambers, Melville Civic Centre
10 Almondbury Road Booragoon

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Notes to be confirmed at the next Ordinary Council Meeting
These minutes are hereby confirmed as true and accurate

Mayor Gear

Date

13 / 12 / 22



Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

Our Mission

To provide good governance and quality services for the City of Melville community.

Our Values

Excellence

Striving for the best possible outcomes

Participation

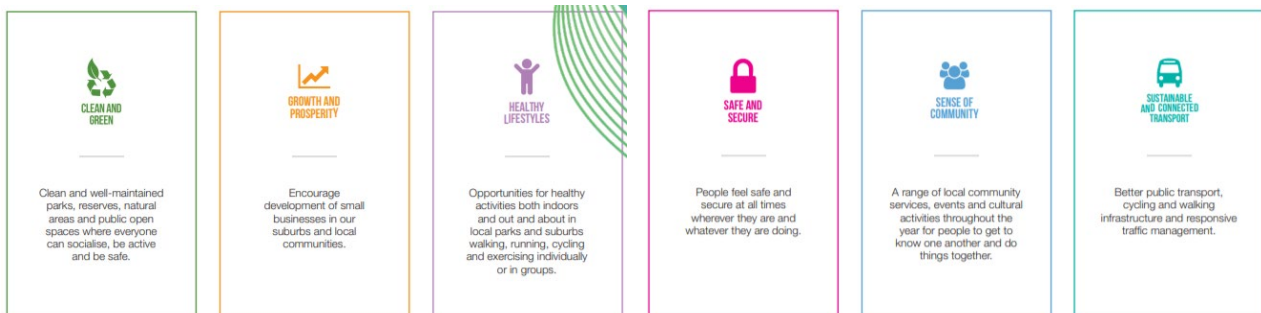
Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



Making A Deputation

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website [Request to make a Deputation](#).

Public Question Time

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website [Public Question Time](#).

Complex questions or those related to matters on the agenda and requiring a response at the meeting are "questions on notice" and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

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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.

Audio Recording/ access to Recording

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 may be accessed at www.melvillecity.com.au/agendas.

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 present deputations in respect to matters on the Council Agenda at this Forum, prior to matters being formally deliberated upon at the next Ordinary Council Meeting.

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MATTERS FOR WHICH THE MEETING WAS CLOSED

Nil.

1 OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm and invited Cr Barber to read the Acknowledgement of Country and advised those present of the Purpose of the Agenda Briefing Forum, the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

At 6:31pm Cr Woodall entered the meeting electronically.

2 ATTENDANCE AND APOLOGIES

In Attendance

Mayor Honourable George Gear

Councillors

Cr T Fitzgerald (Deputy Mayor)
Cr K Wheatland
Cr N Pazolli
Cr C Ross
Cr D Macphail
Cr N Robins
Cr G Barber
Cr J Edinger
Cr J Spanbroek
Cr M Woodall (from 6:31pm)
Cr M Sandford
Cr K Mair

Ward

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

Officers

Mr M Tieleman	Chief Executive Officer
Mr M McCarthy	Director Environment and Infrastructure
Ms G Bowman	Director Community Development
Mr P Deague	Senior Executive Support Officer (Urban Planning)
Mr G Ponton	Manager Strategic Urban Planning
Ms C Newman	Head of Governance
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	4
Electronic	5
Press	0

Apologies

Mr A Ferris	Director Corporate Services
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On Approved Leave of Absence

Nil.

3 DECLARATIONS BY MEMBERS

3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting.

Nil.

3.2 Declarations by Members who have received and not read the Elected Members Bulletin.

Nil.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations:

Nil.

Approved Written Submissions:

- Mr A Meshkin, Applecross
Item C22/5940 Petition Site Survey 18A and 18B Tweeddale Road, Applecross

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

- Cr Edinger – Item EI22/4010 Mount Pleasant Bowling Club Pre-Tender Cost Estimate. Financial Interest.

5.2 Disclosure of Interest That May Cause a Conflict

Under *22 Local Government (Model Code of Conduct) Regulations 2021* or a City of Melville Code of Conduct)

Nil.

6 PUBLIC QUESTION TIME

At 6:33pm the Presiding Member opened Public Question Time.

6.1 Questions Received Without Notice

6.1.1 Mr A O'Neil, Citizens for Building Reform (WA) (CBR)

Mr O'Neil was not in attendance at the meeting to ask the questions submitted without notice. A summary of the questions and responses is provided below:

In relation to CEO Tieleman's report to Council on the Weir Review, as included in agenda for the 13 December OMC, CBR WA is seeking answers to the following questions:

Question 1

The CEO appears to be suggesting that the redacted versions of the Weir Report as provided to EMs have all been assessed as per the requirements of the FOI Act; yet the Act does not require names of City officers and service providers to the City to be redacted. Mr Meyerkort, the City's FOI coordinator, has recently re-confirmed this and so we are compelled to ask: on what basis is the CEO persisting with redacting of City officer and service provider names?

Response

The interpretation of the report by the questioner is not correct.

The report provides four options regarding the release of the Weir Report to the Council. Under the Statutory and Legal Implications section of the report it is noted that *"If the Council wished to publish the Final Weir Report in full, consultation with the parties that may be identified would be required under the Freedom of Information Act 1992."* This refers to Option 1.

Option 2, which is the option recommended by the CEO includes redactions beyond the scope of the FOI Act.

Question 2

The CEO made a statement: "In February 2022, an FOI request for the Final Weir Report"; in making this statement was the CEO referring to CBR WA's 2 February FOI application? Which as the City is aware was in fact not an application for a copy of the Weir report but rather an application for correspondence that was solely between Weir, City officers & EMs and not involving any complainants. Or was the CEO in fact referring to an application by another party which was in reality an application for a copy the Weir report?

Response

The 2 February 2022 FOI application was from CBR for access to all documented communications between the City and Ms. Weir. Application of this scope then also captured an email transmission which included the Weir Report as an attachment. However during the evaluation process, the applicant who was then representing CBR, advised the City's FOI Coordinator to exclude this report from the scope of the application.

6.1.1 Mr A O'Neil, Citizens for Building Reform (WA) (CBR), continued

Question 3

How many FOI Applications for the Weir Report have been received by the City and in which month/ year ?

Response

Four FOI requests have been received which by the nature of the request would either directly or indirectly include a release of the Weir Report.

The relevant FOI application dates are 2 February 2022, 14 April 2022, 14 April 2022, 20 November 2022.

Question 4

The CEO has also alluded to some concerns by review complainants regarding comments made by Weir Legal and Consulting though having been resolved to the satisfaction of the complainants. We would ask for the CEO's confirmation on this? However, if the concerns have in fact not actually been resolved then what does the City intend doing to see these concerns finally resolved?

Response

The report does not allude to or state that the concerns have been resolved to the satisfaction of the complainants. The pertinent part of the report is as follows: - *"In February 2022, an FOI request for the Final Weir Report and supporting documentation, was received and in evaluating the documents for release, concerns were raised by one of the Complainants regarding some comments made by WLC in the Final Weir Report. WLC have confirmed their opinion that the comments are considered to be important to the context of the report as a whole, and that there are no concerns with the Final Weir Report being released under FOI or published."*

With respect to unresolved issues from Complainants the City continues to work through the recommendations of the Weir Report.

6.2 Questions Received at the Meeting

Nil.

6.3 Questions Taken on Notice at Previous Meeting

Nil.

At 6:34pm the Presiding Member closed Public Question Time.

7 NEW BUSINESS OF AN URGENT NATURE

Nil.

8 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Item C22/5949 – RFQ222325 Supply 5 Side Loading Domestic Waste Trucks.

At 6:35pm the Mayor brought forward Item UP22/4005 Kardinya Activity Centre Plan and Associated Scheme Amendment for the convenience of those in the public gallery.

Items Brought Forward

UP22/4005 KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT

Deputations At 6:35pm Mr B Foley (Thomson Geer Lawyers) representing the applicant was available to answer questions on the item which concluded at 6:43pm.

Officer Presentation At 6:44pm Mr Ponton and Mr Deague responded to questions on the Item which concluded at 6:54pm.

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 the following information in the Elected Members Bulletin:

- Use Classes for Takeaway Alcohol and distinctions between a drive through bottle shop and walk in bottle shop.

9. REPORTS FROM COMMITTEES

C22/5944 CEO PERFORMANCE REVIEW FRAMEWORK 1 JULY 2021 TO 30 JUNE 2022

Deputations Nil

Officer Presentation At 6:54pm Ms Newman was available to respond to questions on this Item.

Disclosure of Interest Nil

Notes from Forum No Discussion took place regarding the item and officer recommendation.

10. AGENDA ITEMS FOR PRESENTATION

Management Services

M22/5000 COMMON SEAL REGISTER

Deputations	Nil
Officer Presentation	At 6:55pm Ms Newman was available to respond to questions on this Item.
Disclosure of Interest	Nil.
Notes from Forum	No Discussion took place regarding the item and officer recommendation.

M22/5927 INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT

Deputations	Nil.
Officer Presentation	At 6:55pm Mr Tieleman responded to questions on the Item which concluded at 7:12pm.
Disclosure of Interest	Nil.
Notes from Forum	<p>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 Members Bulletin:</p> <ul style="list-style-type: none">• Number and brief detail of current FOI Requests relating to the Weir Report.• Further advice regarding responsibility of Individual Elected Members in respect to potential defamation lawsuits.

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

M22/5942 ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MEVILLE EDITION

Deputations	Nil.
Officer Presentation	At 7:12pm Mr Tieleman was available to respond to 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 INVESTMENT STATEMENTS FOR OCTOBER 2022

Deputations	Nil.
Officer Presentation	At 7:12pm Mr Tieleman responded to questions on the Item which concluded at 7:16pm.
Disclosure of Interest	Nil.
Notes from Forum	<p>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 Members Bulletin:</p> <ul style="list-style-type: none">• Current Status of Green Investments ESGs TEGs investment schedule to be provided.

C22/6001 SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2022

Deputations	Nil.
Officer Presentation	At 7:12pm Mr Tieleman was available to respond to questions on this Item.
Disclosure of Interest	Nil.
Notes from Forum	No Discussion took place regarding the item and officer recommendation.

C22/6002 STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2022

Deputations	Nil
Officer Presentation	At 7:12pm Mr Tieleman was available to respond to questions on this Item.
Disclosure of Interest	Nil.
Notes from Forum	No Discussion took place regarding the item and officer recommendation.

C22/5940 PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS

Deputations	Mr Meshkin of Applecross Written Submission
Officer Presentation	At 7:16pm Mr Tieleman was available to respond to questions on this Item.
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

C22/5947 COUNCIL MEETING SCHEDULE 2023

Deputations	Nil.
Officer Presentation	At 7:16pm Ms Newman was available to respond to questions on this Item.
Disclosure of Interest	Nil.
Notes from Forum	General Discussion took place regarding the item and officer recommendation.

C22/5950 DEFERRAL OF CONSIDERATION OF NEW POLICY CP-118 CODE OF CONDUCT BEHAVIOUR COMPLAINTS COMMITTEE

Deputations	Nil.
Officer Presentation	At 7:17pm Ms Newman responded to questions on the Item which concluded at 7:17pm.
Disclosure of Interest	Nil.
Notes from Forum	General Discussion took place regarding the item and officer recommendation.

Community Development

CD22/8152 ALFRED COVE CHILD HEALTH CENTRE

Deputations	Nil.
Officer Presentation	At 7:17pm Ms Bowman and Mr Tieleman responded to questions on the Item which concluded at 7:20pm.
Disclosure of Interest	Nil.
Notes from Forum	<p>At 7:17pm Cr Edinger advised the meeting that she would no longer support her alternative motion that lay on the table.</p> <p>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 Members Bulletin:</p> <ul style="list-style-type: none">• Current Child Health Centre Building locations still within the City of Melville.

CD22/8156 VACANT BLOCK PETITION – MURDOCH

Deputations	Nil
Officer Presentation	At 7:20pm Ms Bowman responded to questions on the Item which concluded at 7:35pm.
Disclosure of Interest	Nil.
Notes from Forum	<p>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 Members Bulletin:</p> <ul style="list-style-type: none">• Rates discount for vacant land.• Clarity around how many blocks owned by the same entities?• Clause relevant from the <i>Bush Fires Act</i> that pertain to blocks with houses that would present as a fire risk.

At 7:35pm having declared an interest in Item E122/4010 Mount Pleasant Bowling Club Pre-Tender Cost Estimate, Cr Edinger left the meeting.

Environment and Infrastructure

E122/4010 MOUNT PLEASANT BOWLING CLUB PRE-TENDER COST ESTIMATE

Deputations	Nil.
Officer Presentation	At 7:35pm Mr McCarthy was available to respond to questions on this Item.
Disclosure of Interest	Cr Edinger – Financial Interest - Leave
Notes from Forum	No Discussion took place regarding the item and officer recommendation.

At 7:35pm Cr Edinger returned to the meeting.

Urban Planning

UP22/4005 KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME

Item Brought Forward.
See page 10.

UP22/4007 REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL

Deputations	Nil.
Officer Presentation	At 7:36pm Mr Ponton responded to questions which concluded at 7:37pm.
Disclosure of Interest	Nil.
Notes from Forum	General Discussion took place regarding the item and officer recommendation.

Late Items

C22/5949 RFQ222325 SUPPLY 5 SIDE LOADING DOMESTIC WASTE TRUCKS

Deputations Nil.

Officer Presentation At 7:37pm Mr McCarthy responded to questions which concluded at pm.

At pm Mr McCarthy was available for questions on the Item.

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 the following information in the Elected Members Bulletin:

- Information provided on the current position on Electric Waste Trucks in local government.

11 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

Nil.

12 CLOSURE

There being no further business to discuss, the Mayor confirmed Cr Spanbroek, Cr Pazolli and Cr Woodall were still in attendance electronically and declared the meeting closed at 7:43pm.