

**NOTES OF THE
AGENDA BRIEFING FORUM
TUESDAY 1 September 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.

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.

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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 1 September 2020, commencing at 6.32pm.

AGENDA BRIEFING FORUM

1. OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:32pm and invited Cr Tomas Fitzgerald 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 N Pazolli (Deputy Mayor)
Cr S Kepert
Cr D Macphail, Cr N Robins
Cr C Robartson, Cr M Woodall
Cr J Barton Cr Barber
Cr K Mair, Cr M Sandford
Cr T Fitzgerald, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer (electronic attendance)
Mr S Cope	Director Urban Planning
Ms C Young	Director Community Development
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services (electronic attendance)
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 C Day (<i>until 7:39pm</i>)	Cultural Services Project Coordinator
Mr G Ponton (<i>until 8:04pm</i>)	Manager Strategic Urban Planning
Ms K Johnson (<i>until 8:25pm</i>)	Executive Manager Organisational Development
Mr J Wallia (<i>until 8:25pm</i>)	Sustainability Coordinator
Mr J Rae	Strategic Land & Property Executive

At the commencement of the meeting, there were 18 members of the public in the Council Chambers, 3 members of the public and no representative from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Nil.

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 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

6.1 FINANCIAL INTERESTS

- Cr Robartson – Item – P20/3871 – Response to Petition – Phil Ward Reserve, 11 Cottrill Street, Myaree. Financial Interest.
- Cr Robartson – Item – M20/3850 – Confidential Item – Ground Lease Agreement for Melville, Aged and Community Activity Centre. Financial Interest.

6.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Sandford – Item – P20/3867 – Submissions Report – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road, Mount Pleasant. Impartiality Interest
- Cr Robins – Item – P20/3871 – Response to Petition – Phil Ward Reserve, 11 Cottrill Street, Myaree. Impartiality Interest.

7. QUESTIONS

Nil.

8. DEPUTATIONS

- 8.1 Ms S Lynch and Ms V Jensen Representing the Melville Theatre Company**
Item CD20/8135 Response to Petition – Retaining the Melville Civic Centre Main Hall for General Use
- 8.2 Mr S Morgillo, Mr J Davies and Ms N Green representing Stan's Dancing Melville**
Item CD20/8135 Response to Petition – Retaining the Melville Civic Centre Main Hall for General Use
- 8.3 Ms R Weir and Ms C Gillam**
Item P20/3871 – Response to Petition – Phil Ward Reserve, 11 Cottrill Street, Myaree

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 CD20/8135 – Response to Petition – Retaining the Melville Civic Centre Main Hall for General Use, for the convenience of the public gallery.

CD20/8135	Response to Petition - Retaining the Melville Civic Centre Main Hall for General Use
	<p>OFFICER PRESENTATION Cathy Day - Cultural Services Project Coordinator</p> <p>DEPUTATION/PRESENTATION/S Ms S Lynch and Ms V Jensen Representing the Melville Theatre Company, entered the chambers at 6:38pm to make a Deputation and concluded at 6:48pm. Ms Lynch and Ms Jensen departed the Chambers at 7:50pm</p> <p>Mr S Morgillo, Mr J Davies and Ms N Green representing Stan’s Dancing Melville, entered the chambers at 6:50pm to make a Deputation and concluded at 7:11pm. Mr Morgillo, Mr Davies and Ms Green departed the Chambers at 7:14pm</p> <p>Ms Day commenced a presentation at 7:15pm, which concluded at 7:31pm. Ms Day departed the Chambers at 7:38pm Presentation Main Hall Future Use Response to Petition</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"> • Comment on the availability of the alternative list of venues; and • The ability for the City to progress the development of the Library Cultural Center independently of Westfield Booragoon.

At 7:39pm the Mayor brought forward Item P20/3871 – Response to Petition – Phil Ward Reserve, 11 Cottrill Street, Myaree, for the convenience of the public gallery.

Disclosure of Interest

Member	Cr Robins
Type of Interest	Impartiality Interest
Nature of Interest	Candidate for State Electorate of Bicton which Phil Ward Park is within.
Request	Stay and Discuss
Decision	Stay and Discuss

Member	Cr Robartson
Type of Interest	Financial
Nature of Interest	State President Air Force Association involved in Aged Care Sector.
Request	Leave
Decision	Leave

At 7:39pm, having declared an interest in the matter, Cr Robartson left the meeting.

P20/3871	<p>Response to Petition - Phil Ward Reserve, 11 Cottrill Street, Myaree</p> <p>OFFICER PRESENTATION Gavin Ponton – Manager Strategic Urban Planning</p> <p>DEPUTATION/PRESENTATION/S Ms R Weir and Ms C Gillam entered the chambers at 7:39pm to make a Deputation and concluded at 7:48pm. Deputation Presentation Ms Weir Item P20 3871 Phil Ward Park Petition</p> <p>Mr Ponton commenced a presentation at 7:55pm, which concluded at 7:58pm. Presentation Phil Ward Reserve</p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Robartson, Financial interest • Cr Robins, Impartiality interest <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>
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At 7:39pm Ms Day left the meeting and did not return.

At 7:39pm Cr Wheatland left the meeting and returned at 7:48pm.

At 7:39pm Mr Rae left the meeting and returned at 7:48pm.

At 7:42pm Mr Hitchcock left the meeting and returned at 7:48pm.

At 8:04pm Cr Robartson returned to the meeting.

At 8:04pm Mr Ponton left the meeting and did not return.

Disclosure of Interest

Member	Cr Sandford
Type of Interest	Impartiality Interest
Nature of Interest	Relative lives on The Esplanade
Request	Stay and discuss
Decision	Stay and discuss

P20/3867	Submissions Report - Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road, Mount Pleasant
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Jeremy Rae – Strategic Land and Property Executive</p> <p>DEPUTATION/PRESENTATION/S Mr Rae commenced a presentation at 8:05pm, which concluded at 8:12pm.</p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Sandford, Impartiality interest <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:04pm Cr Woodall left the meeting and returned at 8:08pm.

At 8:04pm Ms Johnson left the meeting and returned at 8:10pm.

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

P20/3871	Response to Petition - Phil Ward Reserve, 11 Cottrill Street, Myaree
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Item Brought forward
See Page 10

CD20/8135	Response to Petition - Retaining the Melville Civic Centre Main Hall for General Use
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Item Brought forward
See Page 9

M20/5767	Adoption of Strategic Community Plan and Corporate Business Plan
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Jag Walia – Sustainability Coordinator Kylie Johnson – Executive Manager Organisational Development</p> <p>DEPUTATION/PRESENTATION/S Mr Walia commenced a presentation at 8:23pm, which concluded at 8:24pm. At 8:25pm Mr Walia and Ms Johnson departed the Chambers. <u>Presentation M20 5767 Adoption of Strategic Community Plan and Corporate Business Plan</u></p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 8:25pm Ms Johnson left the meeting and did not return.

At 8:25pm Mr Walia left the meeting and did not return.

M20/5000	Common Seal Register
	<p>OFFICER PRESENTATION – QUESTIONS ONLY 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>

C20/6000	Investment Statements for July 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>

C20/6001	Schedule of Accounts Paid July 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 July 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>

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.

Disclosure of Interest

Member	Cr Robartson
Type of Interest	Financial Interest
Nature of Interest	State President Air Force Association that has a significant involvement in the Aged Care Sector.
Request	Leave
Decision	Leave

At 8:25pm having declared an interest in the matter, Cr Robartson left the meeting.

At 8:25pm Cr Pazolli left the meeting.

At 8:25pm Cr Barton left the meeting.

COUNCIL RESOLUTION

At 8:25pm Cr Keper moved, seconded Cr Woodall –

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 8:25pm the Mayor declared the motion

CARRIED (9/1)

M20/3850	Confidential Item - Ground Lease Agreement for Melville, Aged and Community Activity Centre
	<p>OFFICER PRESENTATION – QUESTIONS ONLY Jeremy Rae – Strategic Land and Property Executive</p> <p>DEPUTATION/PRESENTATION/S Nil.</p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Robartson, Financial interest. <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 arrange an opportunity for interested Elected Members to meet with officers to discuss individual clauses of the lease and that this information would be made available to Elected Members unable to attend that meeting.</p>

*At 8:26pm Ms Young left the meeting and returned at 8:28pm.
At 8:30pm Cr Barton returned to the meeting.
At 8:31pm Cr Pazolli returned to the meeting.*

COUNCIL RESOLUTION

At 8:42pm Cr Wheatland moved, seconded Cr Kepert

That the meeting comes out from behind closed doors.

At 8:42pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

No members of the community returned to the meeting.

11. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 8:42pm.

Cr Robartson returned to the meeting at 8:42pm, after it had been declared closed.