



City of  
**Melville**

## **NOTES**

### **AGENDA BRIEFING FORUM**

**6:30pm Tuesday, 11 April 2023**

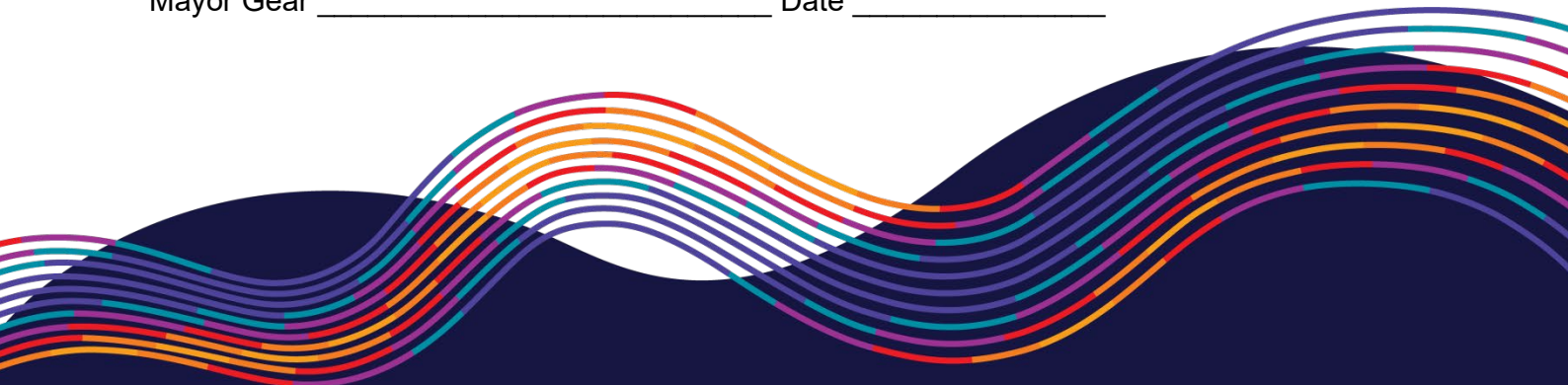
Held in the Council Chambers, Melville Civic Centre  
10 Almondbury Road Booragoon

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 \_\_\_\_\_



## 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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## **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](http://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

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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.

## 2 ATTENDANCE AND APOLOGIES

Mayor Hon. G Gear

### In Attendance

Cr N Pazolli	Applecross – Mount Pleasant
Cr C Ross	Applecross – Mount Pleasant
Cr D Macphail	Bateman – Kardinya – Murdoch
Cr N Robins	Bateman – Kardinya – Murdoch
Cr G Barber	Bicton – Attadale – Alfred Cove
Cr J Edinger	Bicton – Attadale – Alfred Cove
Cr J Spanbroek	Bull Creek – Leeming
Cr M Woodall	Bull Creek – Leeming
Cr M Sandford	Central

### Officers

Mr M Tieleman	Chief Executive Officer
Mr M McCarthy	Director Environment and Infrastructure
Mr G Ponton	A/Director Urban Planning
Ms G Bowman	Director Community Development
Ms C Newman	Head of Governance
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	14
Electronic	3
Press	0

### Apologies

Cr K Mair	Central
Cr T Fitzgerald (Deputy Mayor)	Palmyra – Melville – Willagee

### 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**

- Mr P Logothetis and Mr B Scott (Applecross Tennis Club)  
Item UP23/4028 – Erection of Floodlights To Applecross Tennis Club – Lots 260-264 (30)  
The Strand, Applecross WA 6153
- Mr J Hassen, Applecross  
Item UP23/4028 – Erection of Floodlights To Applecross Tennis Club – Lots 260-264 (30)  
The Strand, Applecross WA 6153
- Mr P Kostoglo (Planning Solutions)  
Item UP23/4028 – Erection of Floodlights To Applecross Tennis Club – Lots 260-264 (30)  
The Strand, Applecross WA 6153

#### **Approved Written Submissions**

Nil.

### **5 DISCLOSURES OF INTEREST**

#### **5.1 Financial or Proximity Interests**

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

- Mr M Tieleman  
Item C23/5970 CEO Performance Review 1 July 2021 to 30 June 2022
- Mr M Tieleman  
Item C23/5971 Confidential Petition CEO Contract

#### **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 Mayor opened Public Question Time.

### 6.1 Questions Received with Notice

#### **6.1.1 Dr S Peterson (City of Melville Residents and Ratepayers Association)**

##### Question 1

*Under what specific provision(s) of the Local Government Act or other statutory authority is DLGSC's Mr Mustafa Yildiz in his February 28 letter directing the City to release the Weir Report in its entirety; that is, does the DLGSC have the statutory authority to make such directions to Council; to which Mr Tieleman appears to be heavily relying on in his recommendation?*

##### Response

This question should be directed to the Department of Local Government.

##### Question 2

*Why hasn't Mr Tieleman complied with Council's December 13, 2022 motion by also providing the "A Way Forward" Recommendations and Responses and a summarised report on the adverse finding against the City.*

##### Response

The "A Way Forward" is a reference from the Weir Report and refers to the fifteen report recommendations that the City is implementing and reporting progress made to the Council. Not all recommendations can however be finalised at this point in time with work continuing on three that remain a work in progress. The Officer Report regarding this matter appearing in the April Ordinary Council Meeting Agenda provides an update on the actions relating to the finalising the recommendations and Officers have also provided a recommendation in relation to the "A Way Forward" document, for the Council to consider.

##### Question 3

*Why has Mr Tieleman failed to inform Council in his report that the City had issued the Weir Report under FOI on March 23, 2023 to an unnamed third party; without any of the personal information of four of the parties involved as those parties did not consent to the release of their personal information and the City's Administration decided that it was not in the public interest to undermine those individual's rights to privacy; this is a material fact that may be very relevant to Council's decision on the matter?*

##### Response

The matter of the Council publishing the final Weir Report is not being considered under the provisions of the Freedom of Information Act. These protections and exemptions mentioned can only be afforded to an application that is made under the FOI Act.

The publishing of the report in the public interest is aligned to privacy principles and precedents already established with the publication of similar reports such as the Department of Local Government 2019 Inquiry into City of Melville Report.

6.1.1 Dr Peterson (City of Melville Residents and Ratepayers Association), continued.

Question 4

*At what meeting(s) did the City discuss the publications of the Weir Report with DLGSC; was it the August 24, September 28, January 11 and 31 meetings or was it at another time; if so when; and did Mr Tieleman, Mayor George Gear, deputy Mayor Tomas Fitzgerald or another City officer ever suggest, encourage or hint that the DLGSC to include this requirement in Mr Yildiz letter; if so who and when.*

Response

The Association is aware that should it wish to receive access to notes of meetings that they may request such notes by making an application under the Freedom of Information Act. It is noted that the Melville Residents and Ratepayers Association and other entities or individuals have corresponded directly with the Department of Local Government Sport and Cultural Industries from which they would have been made very aware of the presence of the yet unpublished Weir Report.

It is a matter of public record that in a report to Council regarding this matter officers recommended that the Independent Review undertaken by Weir Legal be made public in a redacted form, however, the Department will have arrived at their position on their own volition.

Question 5

*What is the breakdown of the \$95,000 in legal fees as quoted by Mr Teleman; in what years was that money spent, with which lawyers and for what specific purposes; and was Ms Wier not engaged on the basis that she was also providing legal advice.*

Response

The legal costs by year are as follows:

pre	2017	24,132.70
	2018	11,688.06
	2019	12,118.42
	2020	15,505.67
	2021	14,844.54
	2022	7,641.13
	2023	1,258.95
	2023	7,500.00
		<b>94,689.47</b>

The independent review conducted by Weir Legal was commissioned by the Council following a resolution for a suitably qualified and experienced independent consultant to be appointed to conduct a review of the City's customer interactions with respect to specific building and planning matters raised by two residents and make recommendations for improvements. Ms Weir was not engaged to give legal advice.

## **6.2 Questions Received at the Meeting**

Nil.

At 6:40pm the Mayor 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 be closed to members of the public, if required, to allow for items below deemed confidential in accordance with Sections 5.23 (2)(a) and (b) of the *Local Government Act 1995* to be discussed behind closed doors.

- Item M23/5968 Independent Review – Weir Legal and Consulting Report
- Item C23/5970 CEO Performance Review 1 July 2021 to 30 June 2022

## 9. AGENDA ITEMS FOR PRESENTATION

At 6:42pm the Mayor Brought forward Item UP23/4028 - Erection of Floodlights to Applecross Tennis club – Lots 260-264 (30) The Strand, Applecross WA 6153 for the convenience of those giving a deputation.

### Item Brought Forward

#### **UP23/4028 ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS 260-264 (30) THE STRAND, APPLECROSS WA 6153**

#### **Deputations**

At 6:42pm Mr P Logothetis gave a deputation which concluded at 6:45pm. At 6:53pm Mr Logothetis returned to the Public Gallery. [Deputation – Mr P Logothetis – Handout \(Tennis West Letter\)](#)

At 6:53pm Mr J Hassen gave a deputation which concluded at 7:03pm. At 7:10pm Mr Hassen returned to the Public Gallery. [Deputation – Mr J Hassen](#)

At 7:10pm Mr P Kotsoglo gave a deputation which concluded at pm. At 7:27pm Mr Kotsoglo returned to the Public Gallery. [Deputation – Mr P Kotsoglo – Briefing Note \(Planning Solutions\)](#)

#### **Officer Presentation**

At 7:27pm Mr G Ponton, Director Urban Planning was available for questions on the matter which concluded at 7:45pm.

#### **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 on the Elected Members Portal:

- Other Club Usage of lights – seven days a week?
- How many properties in the area have private tennis courts?
- Submissions to be made available to Elected Members.  
Precis on:
  - support for Lights;
  - how many are members of the Club; and
  - how many live within the City of Melville –
- Copy of the community commissioned Noise Analysis Report by Lloyd George Acoustics
- Explanation for DAU Report not relying on MRS as part of its assessment.

*At 7:10pm Cr Edinger left the meeting and return at 7:13pm.*

*At 7:34pm Cr Wheatland left the meeting and returned at 7:36pm.*

*At 7:38pm Cr Barber left the meeting and returned at 7:40pm.*

**Management Services**

**M23/5964 REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND  
RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR**

*At 7:45pm Cr Pazolli left the meeting and returned at 7:47pm.*

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 7:47pm Mr Tieleman, CEO and Ms Newman, Head of Governance responded to questions which concluded at 7:48pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	<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 on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• If the retaining wall issues is correct in being dealt with by the Dividing Fences Act and what the legal options are for the neighbours.</li></ul>

*At 7:46pm Cr Wheatland left the meeting.*

**M23/5968 INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 7:48pm Mr Tieleman, CEO responded to questions which concluded at 8:01pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>No 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 on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Has the Weir Report been sent to the Department of Local Government?</li><li>• Legal extent of Council complying with Department of Local Government.</li><li>• Information associated with additional findings contained within the Weir Report.</li></ul>

*At 7:48pm Cr Spanbroek left the meeting and returned at 7:51pm.  
At 7:50pm Ms Davis left the meeting and returned at 7:52pm  
At 7:51pm Cr Wheatland returned to the meeting.*

**M23/5969      PETITION – REQUEST FOR RESOLUTION OF BUILDING COMPLAINT 89A  
HARRIS STREET BICTON**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:01pm Mr Tieleman responded to questions which concluded at 8:05pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	<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 on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Photos and Historical Timeline associated with this matter to be provided prior to the Ordinary Meeting of Council</li></ul>

**Corporate Services**

**C23/6000      INVESTMENT STATEMENTS FOR FEBRUARY 2023**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:05pm Mr Tieleman responded to questions which concluded at 8:08pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	<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 on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Additional information to be provided in relation to the figures associated with the Reserve Fund and the Municipal Fund.</li></ul>

**C23/6001      SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2023**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:05pm Mr Tieleman, CEO was available for questions on the matter.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	No Discussion took place regarding the item and officer recommendation.

**C23/6002 STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2023**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:05pm Mr Tieleman, CEO was available for questions on the matter.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	No Discussion took place regarding the item and officer recommendation.

**Community Development**

Nil.

**Environment and Infrastructure**

**EI23/4013 CORELLA MANAGEMENT PLAN**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:08pm Mr McCarthy, Director Environment and Infrastructure responded to questions which concluded at 8:17pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.  At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal: <ul style="list-style-type: none"><li>• Reports of lighting structures at other locations the subject of suspected corella damage.</li></ul>

*At 8:10pm Cr Woodall left the meeting and returned at 8:13pm.*

*At 8:13pm Cr Barber left the meeting and returned at 8:13pm.*

*At 8:14pm Cr Barber left the meeting and returned at 8:14pm.*

**Urban Planning**

**UP23/4026      DECIBEL MONITORING DEVICES IN PUBLIC VENUES**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:17pm Mr G Ponton, Director Urban Planning responded to questions which concluded at 8:27pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	<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 on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Further update will be provided to Elected Members regarding the Raffles.</li><li>• Statistics of noise complaints within the City of Melville and comparative results.</li></ul>

*At 8:17pm Cr Wheatland left the meeting and returned at 8:21pm.*

**UP23/4028      ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS 260-264 (30) THE STRAND, APPLECROSS WA 6153**

**Item Brought Forward**  
See Page 10.

**Late Items**

**C23/5970 CEO PERFORMANCE REVIEW 1 JULY 2021 TO 30 JUNE 2022**

**Disclosure of Interest**

Member	Mr Tieleman
Type of Interest	Financial Interest
Nature of Interest	Holds the position of CEO
Request	Leave
Decision Leave	Leave

*At 8:29pm having declared an interest in this matter, Mr Tieleman left the meeting and did not return.*

**Deputations** Nil.

**Officer Presentation** At 8:28pm Ms Newman, Head of Governance responded to questions which concluded at 8:33pm.

**Disclosure of Interest** Mr Tieleman - CEO

**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 on the Elected Members Portal:

- Information on the date the CEO gave Notice to the Mayor to commence the CEO Performance Review.

**C23/5971 CONFIDENTIAL PETITION CEO CONTRACT**

**Disclosure of Interest**

Member	Mr Tieleman
Type of Interest	Financial Interest
Nature of Interest	Holds the position of CEO
Request	Leave
Decision Leave	Leave

**Deputations** Nil.

**Officer Presentation** At 8:33pm Ms Newman was available for questions on the matter.

**Disclosure of Interest** Mr Tieleman

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

## **11 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**

Nil.

## **12 CLOSURE**

At 8:33pm the Mayor advised the meeting that there will be two late items to be distributed prior to the Ordinary Meeting of Council on Tuesday, 18 April 2023.

Those items are:

- Item UP23/4025 - Review of Canning Bridge Activity Centre Plan – Recommendation to Western Australian Planning Commission
- Item UP23/4033 – Canning Bridge Public Open Space Analysis Report

General discussion took place regarding the two items. Questions on these items can be submitted to the Governance Team with responses to be provided to all Elected Members.

There being no further business to discuss, the Mayor declared the meeting closed at 8:45pm.