

## NOTES

### AGENDA BRIEFING FORUM

**HELD ON TUESDAY, 10 MAY 2022**

**COMMENCING AT 6.30PM**

#### **To be 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 public health and social directives, this meeting will be 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.*

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

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](http://www.melvillecity.com.au) in accordance with the provisions of the Policy.

**DISTRIBUTED: 13 MAY 2022**

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## **AGENDA BRIEFING FORUM**

### **1. OPENING**

The Mayor welcomed those in attendance to the meeting and declared the meeting open at 6:30pm and invited Cr Mair to read the Acknowledgement of Country, 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 decision making within this forum.

### **2. ELECTED MEMBERS PRESENT**

Mayor Honourable G Gear

#### **COUNCILLORS**

Cr T Fitzgerald (Deputy Mayor)  
Cr N Robins (*From 7:02pm*)  
Cr M Woodall  
Cr J Spanbroek  
Cr C Ross  
Cr N Pazolli  
Cr K Mair  
Cr M Sandford  
Cr J Edinger  
Cr G Barber

#### **WARD**

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

### **3. IN ATTENDANCE**

Mr M Tieleman	Chief Executive Officer
Mr A Ferris	Director Corporate Services ( <i>electronic attendance</i> )
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Environment and Infrastructure
Ms L Reid	Acting Director Community Development
Mr M Scarfone ( <i>Until 7:54pm</i> )	Planning Services Coordinator
Mr J Bird ( <i>Until 7:24pm</i> )	Manager Natural Areas and Parks
Mr B Taylor	Manager Governance and Property
Ms C Newman	Coordinator Governance
Ms R Davis	Governance Officer

At the commencement of the meeting, there were 3 members of the public in the Council Chambers, 8 members of the public and no representatives 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 D Macphail Bateman-Kardinya-Murdoch Ward

### **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 Sandford – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct
- Mayor Gear – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Barber – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Edinger – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Ross – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Mair – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.

## **7. PUBLIC QUESTIONS**

Nil.

## **8. DEPUTATIONS**

- 8.1 Ms M Matassa, Swan Estuary Reserve Action Group (SERAG)**  
T22/3979 - Attadale Junior Football Club Request for Parking at Troy Park.
- 8.2 Mr T Lubin and Ms J Christenson, Attadale**  
T22/3979 - Attadale Junior Football Club Request for Parking at Troy Park.

## **9. BUSINESS**

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## **PROCEDURE FOR AGENDA BRIEFING FORUMS**

### **PRINCIPLES**

The Agenda Briefing Forum which occurs one week 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 time constraints, items will not be ready in time for the Forum ~~session~~ and will go straight to the Council meeting for decision.

### **AGENDA DISTRIBUTION**

The agenda will be distributed to Elected Members on the Friday 10 days prior to the Agenda Briefing Forum and made available on the City of Melville Website [www.melvillecity.com.au/agendas](http://www.melvillecity.com.au/agendas)

## **DEPUTATIONS**

A deputation is an opportunity for members of the community to address the Council on an item that is on the agenda. Deputations are not to exceed 10 minutes and the Presiding Member may allow additional time for Elected Members to ask questions.

The Agenda Briefing Forum is live-streamed to the community, including deputations.

A request to make a deputation should be submitted in writing and received by 12noon the day before the meeting. A request form and guidelines for making a deputation are available on the City's website, [Request to make a Deputation](#) or by contacting the Governance Team [governance@melville.wa.gov.au](mailto:governance@melville.wa.gov.au).

## **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. Handouts and Presentations, including those from Deputations, will be uploaded to the website as attachments to the Notes. The Audio recording will also be available on the website in accordance with Council Policy CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings.

## **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 T22/3979 Attadale Junior Football Club Request for Parking at Troy Park for the convenience of those giving deputations.

### ITEMS BROUGHT FORWARD

#### [T22/3979 - Attadale Junior Football Club Request for Parking at Troy Park](#)

##### **Officer Presentation –Questions Only**

Mick McCarthy – Director Environment and Infrastructure

Jeff Bird – Manager Natural Areas and Parks

##### **Deputation/Presentation(s)**

Ms Matassa of Swan Estuary Reserve Action Group (SERAG) commenced a deputation at 6:37pm, which concluded at 6:42pm. At 6:52pm Ms Matassa returned to the Public Gallery.

Mr Lubin and Ms Christenson, Attadale, commenced a deputation at 6:52pm, which concluded at 7:00pm. At 7:00pm the Mr Lubin returned to the Public Gallery. [T22/3979 - Deputation - Mr Lubin and Ms Christenson.](#)

At 7:00pm Mr Bird was available to answer questions and present to Elected Members which concluded at 7:24pm. [T22/3979 - Presentation - Mr Bird.](#)

##### **Disclosure of Interest**

Nil.

##### **Notes from Forum**

General discussion took place regarding the item and officer recommendation.

*At 7:02pm Cr Robins entered the meeting.*

*At 7:24pm Mr Bird left the meeting and did not return.*

### URBAN PLANNING

#### [P22/3981 - Review of Local Planning Policy 3.1 Residential Development](#)

##### **Officer Presentation – Presentation and Questions**

Steve Cope – Director Urban Planning

Mark Scarfone – Planning Services Coordinator

##### **Deputation/Presentation(s)**

At 7:24pm Mr Scarfone and Mr Cope responded to questions on the item, which concluded at 7:32pm.

##### **Disclosure of Interest**

Nil.

##### **Notes from Forum**

General discussion took place regarding the item and officer recommendation.

**P22/3982 – New Policy Local Planning Policy 1.22 - Construction Management Plans****Officer Presentation – Presentation and Questions**

Mark Scarfone – Planning Services Coordinator

Steve Cope – Director Urban Planning

**Deputation/Presentation(s)**

At 7:32pm, Mr Scarfone advised the meeting that an Officer Amendment would be circulated to the Council prior to the Ordinary Meeting of Council on 17 May 2022. At 7:33pm, Mr Scarfone and Mr Cope responded to questions on the item, which concluded at 7:53pm.

**Disclosure of Interest**

Nil.

**Notes from Forum**

General discussion took place regarding the item and officer recommendation and the CEO undertook to:

- circulate an updated Construction Management Plan Pro-forma prior to the meeting; and
- provide information on alternative parking options for developers.

*At 7:54pm Mr Scarfone left the meeting and did not return.*

*At 7:54pm Mr Cope left the meeting.*

**ENVIRONMENT AND INFRASTRUCTURE SERVICES****T22/3979 - Attadale Junior Football Club Request for Parking at Troy Park****Item Brought Forward.**

See Page 9.

**T22/3983 - Atwell Arts Centre and Melville Bowling Club Precinct – Draft Project Plan****Officer Presentation – Presentation and Questions**

Mick McCarthy – Director Environment and Infrastructure

**Deputation/Presentation(s)**

At 7:54pm Mr McCarthy spoke to the item and responded to questions which concluded at 8:21pm.

**Disclosure of Interest**

Mayor Gear – Interest under the Code of Conduct.

Cr Sandford – Interest under the Code of Conduct.

Cr Edinger – Interest under the Code of Conduct.

Cr Barber – Interest under the Code of Conduct.

Cr Ross – Interest under the Code of Conduct.

Cr Sandford – Interest Under the Code of Conduct.

**Notes from Forum**

General discussion took place regarding the item and officer recommendation.

At the request of Elected Members the CEO undertook to provide information in the Elected Members Bulletin on the correct name for the building (Atwell House or Melville Arts Centre).

*At 8:08pm Mr Cope returned to the meeting.*

## **MANAGEMENT SERVICES**

### **M22/5000 – Common Seal Register**

#### **Officer Presentation – Questions Only**

Bruce Taylor – Manager Governance and Property

#### **Deputation/Presentation(s)**

At 8:21pm, Mr Taylor was available to respond to questions on the 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 March 2022**

#### **Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

#### **Deputation/Presentation(s)**

At 8:22pm, Mr Ferris was available to respond to questions on the item, which concluded at 8:33pm.

#### **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 give consideration to:

- review of the criteria in Council Policy CP-009 Investment of Funds Policy and presentation to an EMES on options for less restriction, particularly with green investments.
- the impact of the increase in interest rates on the Long Term Financial Plan and the 2022-2023 budget.

**C22/6001 – Schedule of Accounts Paid March 2022****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

**Deputation/Presentation(s)**

At 8:32pm, Mr Ferris was available to answer questions on the 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 March 2022****Officer Presentation – Questions Only**

Alan Ferris – Director Corporate Services

**Deputation/Presentation(s)**

At 8:33pm, Mr Ferris was available to take questions on the item, which concluded at 8:35pm.

**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 information in the EMB on the variances (under expenditures) by contractors in Natural Areas and relating to tree pruning.

**10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**11. CLOSURE**

At 8:37pm the CEO advised the meeting that a late item would be circulated to Council prior to the May Ordinary Meeting of Council in relation to the Tender for the Construction of Winthrop Change rooms.

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Pazolli, Cr Woodall, Cr Spanbroek, Cr Ross and Cr Edinger were still in attendance electronically and declared the meeting closed at 8:38pm.