

NOTES OF THE
AGENDA BRIEFING FORUM
TUESDAY 5 MAY 2020
COMMENCING AT 6:30PM

**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, the public are unable to attend this meeting. To be considered open to the public, the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) of the *Local Government (Administration) Regulations 1996*.

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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 5 May 2020, commencing at 6.30pm.

AGENDA BRIEFING FORUM

1. OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. 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.

Mayor Honourable George Gear conducted a roll call at the commencement of the meeting and confirmed the following Elected Members were in attendance for the electronic meeting.

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 G 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
Mr S Cope	Director Urban Planning
Ms C Young	Director Community Development
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr G Ponton (<i>until 7:46pm</i>)	Manager Strategic Planning
Mr M Murphy (<i>until 8:01pm</i>)	Manager City Buildings (electronic attendance)
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms T Wright	Governance Officer

At the commencement of the meeting, there were 9 members of the public and one 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 Mair – Item P20/3851 – Petitions Seeking Modification to the South Eastern Boundary of the CBACP. Financial Interest.

6.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

7. QUESTIONS

Nil.

8. DEPUTATIONS**8.1 Mr I Pound of Mount Pleasant, Ms R Waldron-Hartfield of Mount Pleasant and Mr B Ossey of Mount Pleasant.**

Item P20/3851 – Petitions Seeking Modification to South Eastern Boundary of the Canning Bridge Activity Centre Plan

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.

10. AGENDA ITEMS FOR PRESENTATION

Disclosure of Interest

Member	Cr K Mair
Type of Interest	Financial Interest
Nature of Interest	In future, I will be a shareholder of a company that owns property in the CBACP
Request	Leave
Decision	Leave

At 6:36pm having declared an interest in the matter Cr Mair was electronically disconnected from the meeting.

P20/3851	<p>Petitions Seeking Modification to South Eastern Boundary of the Canning Bridge Activity Centre Plan</p> <p>OFFICER PRESENTATION Gavin Ponton - Manager Strategic Urban Planning – Questions only</p> <p>DEPUTATION/PRESENTATION/S Mr Pound, Ms Waldron-Hartfield and Mr Ossey commenced a presentation at 6:39pm, which concluded at 7:12pm. The presenters were electronically removed from the meeting at 7:23pm. <u>Presentation P20/2851</u></p> <p>DISCLOSURE OF INTEREST</p> <ul style="list-style-type: none"> • Cr Mair – 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 provide information in the Elected Member Bulletin on the process that would be undertaken to complete a Scheme Amendment in a 12 month timeframe.</p>
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*At 6:53pm Mr McCarthy left the meeting and returned at 6:55pm.
At 7:19pm Cr Robartson left the meeting and returned at 7:20pm.
At 7:23pm Cr Wheatland left the meeting and returned at 7:25pm.
At 7:29pm Ms Young left the meeting and returned at 7:32pm.*

At 7:45pm Cr Mair was electronically reconnected to the meeting.

<p>P20/3840</p>	<p>Review of Local Planning Policy 1.1 Planning Process and Decision Making</p>
	<p>OFFICER PRESENTATION Steve Cope – Director Urban Planning – Questions only</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> <p>At the request of Elected Members the CEO undertook to give consideration to the following matters being addressed at the Elected Members Information Session scheduled to be held 12 May 2020:</p> <ul style="list-style-type: none"> • Clarification in relation to (new) point 2.2 – relating to the continuation of an assessment when an Elected Member or a third party raise an objection. • Cr Pazolli submitting a series of scenarios to Planning to ‘test’ the redrafted LPP 1.1 against, and for the outcomes to be discussed. • Clarification on item 3.10 in relation to advertising signage, and the guiding information on the requirements of the applicants. • Clarification of final version of Policy LPP 1.1 and the changes that have been made, particularly in relation to page 19 item 16.4(iii) – calling up of a major development application.

At 7:45pm Mr McCarthy left the meeting and returned at 7:46pm.

At 7:46pm Mr Ponton left the meeting and did not return.

At 7:46 Mr Hitchcock left the meeting and returned at 7:46pm.

At 7:47pm Mr Ferris left the meeting and returned at 7:50pm.

At 7:54pm Cr Wheatland left the meeting. Advice was subsequently received by the Chief Executive Officer that Cr Wheatland had lost power.

T20/6182	Request For Quote 192079 - Provision of Electricity to City of Melville Facilities
	<p>OFFICER PRESENTATION Mario Murphy – Manager City Buildings</p> <p>DEPUTATION/PRESENTATION/S Mr Murphy, Manager City Buildings commenced a presentation at 7:54pm, 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 8:01pm Mr Murphy left the meeting and did not return.

CD20/8127	National Redress Scheme (Participation of Local Government)
	<p>OFFICER PRESENTATION Ms Christine Young, Director Community Development</p> <p>DEPUTATION/PRESENTATION/S Ms Young, Director Community Development commenced a presentation at 8:01pm, which concluded at 8:06pm.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation</p>

At 8:03pm Cr Wheatland re-joined the meeting.

At 8:06pm the CEO advised that Item M20/5746 - New Policy CP-111 Execution of Documents Policy was being withdrawn from the Agenda for the 19 May 2020 Ordinary Meeting of Council.

M20/5746	New Policy CP-111 Execution of Documents Policy
	<p>OFFICER PRESENTATION Louis Hitchcock – Executive Manager Governance and Legal 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 as it was withdrawn.</p>

C20/6181	Policy Review CP-023 Procurement Policy
	<p>OFFICER PRESENTATION Alan Ferris – Director Corporate Services - Questions only</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>

C20/6000	Investment Statements for March 2020
	<p>OFFICER PRESENTATION – IF REQUESTED Alan Ferris – Director Corporate Services - Questions only</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 March 2020
	<p>OFFICER PRESENTATION – IF REQUESTED Alan Ferris – Director Corporate Services - Questions only</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 March 2020
	<p>OFFICER PRESENTATION – IF REQUESTED Alan Ferris – Director Corporate Services - Questions only</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>

11. 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.

Nil.

12. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 8:10pm and conducted a roll call confirming the following Elected Members were still in attendance:

Mayor Honourable G Gear, 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 M Sandford, Cr K Mair, Cr T Fitzgerald, Cr K Wheatland.