

AGENDA BRIEFING FORUM

HELD ON

TUESDAY 1 MAY 2018

COMMENCING AT 6.30PM

AT THE MELVILLE CIVIC CENTRE

2ND FLOOR IN THE COUNCIL CHAMBERS

10 ALMONDBURY ROAD, BOORAGOON

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DISTRIBUTED: 4 May 2018

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**Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre,
10 Almondbury Road, Booragoon, on Tuesday, 1 May 2018 commencing at 6:30pm.**

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6.30pm. Mr J Clark, Governance and Compliance Advisor, 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.

The Presiding Member will cause the following Affirmation of Civic Duty and Responsibility to be read aloud by an Elected Member.

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

His Worship the Mayor R Aubrey

COUNCILLORS

Cr C Robartson
Cr S Kepert
Cr T Barling
Cr N Robins (*late arrival at 7:26pm*)
Cr J Barton
Cr K Mair
Cr P Phelan
Cr K Wheatland (*until 7:59pm*)

WARD

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

3. IN ATTENDANCE

Mr S Cope
Mr G Ponton
Mr M Tieleman
Mr M McCarthy
Ms L Hartill
Ms A Hill

Mr J Clark
Mr T Cahoon (*until 7:59pm*)
Mr M Murphy
Ms L Reid
Ms C Newman
Ms J Head

Acting Chief Executive Officer
Acting Director Urban Planning
Director Corporate Services
Director Technical Services
Acting Director Community Development
Acting Executive Manager Governance and
Legal Services
Governance and Compliance Advisor
Manager Healthy Melville
Manager City Buildings
Manager Cultural Services
Governance Coordinator
Governance Officer

At the commencement of the meeting there were 10 members of the public and one representative from the Press in the Public Gallery.

The Mayor acknowledged the attendance of Gina and Natalie from the Waylen Bay Venturers, undertaking their Badge of Citizenship.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Cr D Macphail – Central Ward
Cr N Pazolli – Applecross-Mount Pleasant Ward
Cr G Wieland – Bicton-Attadale-Alfred Cove Ward
Cr M Woodall – Bull Creek-Leeming 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. PUBLIC QUESTION TIME**6.1 City of Melville Residents and Ratepayers Association (Inc)**Question 1

A petition with 300 signatures was delivered to the CEO's office in February 2017 (Petition) yet a response never received by the lead practitioner, and the petition was never presented to Council, so:

- 1.1. what exactly happened to the Petition after it was delivered;*
- 1.2. why was the Petition never presented to and dealt with by Council as clearly intended;*
- 1.3. who decided not to present the Petition to Council,*
- 1.4. why was the Petition not presented to Council and who is responsible for Council's failure to properly deal with the Petition?*

Response

A multi signed letter was received and a response was provided to the organiser of the document on 16 February 2018. The City's process for responding to multi signed letters is that the letters are not presented to the Council but dealt with administratively. The matters identified in the document have been considered in subsequent actions associated with Bert Jeffery Park.

Question 2

Mr Clark advised that Question 2 was administrative and had been referred to the Chief Executive Officer for response.

6.1 *Public Question Time - City of Melville Residents and Ratepayers Association (Inc)
continued*

Question 3

Question 3(b) of the 20 March 2018 questions to Council, as recorded in the minutes was, asked for the “Details of the Building Permit Application (BA) including BA number, who submitted the BA and when, who approved the BA and when, who was the BA issued to, what was the estimated value of the build, what were the conditions associated with the BA, which registered building surveyor signed off on the certificate of design compliance and when. When was the Notice of Completion Submitted?”

Sections 128/129 of the Building Act 2011 obligate the City make such information publically available; given these statutory obligations, something the City was well aware of as a result of other recent questions to Council, so;

- 3.1. *why has Mayor Aubrey refused to answer this question when he should have reasonably known that the City is obligated to make this information available to the public anyway, and*
- 3.2. *why did Mayor Aubrey falsely state that such building information should be obtained via the FOI processes?*

Response

- 3.1 The question relates to an administrative matter for which the CEO is responsible, and it is inappropriate for the Mayor to answer such detailed questions about an individual's business with the City. The City's complies with the obligations under sections 128 and 129 of the Building Act,
- 3.2 The processes relating to public access to City-held information are administrative matters for which the CEO is responsible. The *Freedom of Information Act* applies to a broad range of information types, including some that may also be sought under the provisions of a specific Act. It was not a false statement.

Question 4

Motions overwhelming passed at the 1 February and 26 April Special Meetings of Electors in asked Council to consider the “City of Melville stop plans for construction of a clubhouse or facilities at Bert Jeffery Park, Murdoch”.

- 4.1. *Why is Council not listening to the overwhelming voice of the community and simply directing the CEO to stop all further work on the facilities at Bert Jeffery Park until the Authorised Inquiry is finalised?*

Response

A report relating to Bert Jeffery Park that is on the Agenda for consideration at the Ordinary Meeting of Council to be held on 15 May 2018, is in response to the Council motion at the February 2018 Ordinary Meeting of Council, T18/5605 Late Item- Special Meeting of Electors – Bert Jeffery Park. The report to be considered at the May Ordinary Meeting of Council recommends that a provision be included in the City's Annual Budget for 2019-2020. There are no recommendations supporting further work in 2018 at this time.

7. DISCLOSURE OF INTEREST

Nil.

8. DEPUTATIONS

Mr Clark advised that an application was made for a deputation however direct interest information was requested and was not established.

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. Copies will be made available to the libraries and the Internet for interested members of the public. 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

CD18/8106	Investigation for a Suitable Location of a Men's Shed
	<p>OFFICER PRESENTATION Leanne Hartill – Manager Neighbourhood Development</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>As requested by Elected Members, the CEO undertook to provide the following information in the Elected Members Bulletin:</p> <ul style="list-style-type: none"> • An expanded table similar to Table 1 provided in the report, which would include the details of the additional sites as suggested by Elected Members, including the Bateman Scout Hall location, and include information on transport options.

CD18/8107	Development of Amenities Building at Bert Jeffery Park
	<p>OFFICER PRESENTATION Todd Cahoon – Manager Healthy Melville</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>As requested by Elected Members, the CEO undertook to provide the following information in the Elected Members Bulletin:</p> <ul style="list-style-type: none"> • On the Strategic Provision of Active Reserves Study (SPARS Report). • The distance between residences and the proposed pavilion at Bert Jeffery Park in comparison to the existing pavilion at Karoonda Reserve. • Information on the membership of Applecross Cricket Club including what percentage of the membership are City of Melville residents. • Clarification and detail with regard to the specific intent of the report, is it a planning/budget exercise, or does it authorise any form of building activity. • Request for comparative cost information associated with the pavilion being sited at an alternative location in north-east corner of the reserve. • Clarification on the context of using the Cricket Australia Community Cricket Facility Guidelines for sport ground layouts and a visual diagram of these guidelines as applicable to Bert Jeffery Reserve.

At 7:19pm Ms L Reid left the meeting, and returned at 7:21pm
At 7:25pm Mr Murphy left the meeting, and returned at 7:26pm.
At 7:26pm Cr N Robins entered the meeting.

M18/5000	Common Seal Register
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance and Compliance Advisor</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>

*At 7:38pm Ms L Reid left the meeting, and returned at 7:40pm.
At 7:59pm Cr Wheatland left the meeting and did not return.
At 7:59pm Mr T Cahoon left the meeting and did not return*

C18/5617	Policy Review Corporate Services
	<p>OFFICER PRESENTATION Marten Tieleman – 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>

C18/6000	Investment Statements for March 2018
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – 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>

C18/6001	Schedule of Accounts Paid March 2018
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – 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>

C18/6002	Statements of Financial Activity for March 2018
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – 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

T18/2781 – Confidential Item – Civic Library and Cultural Centre

At 8:00pm Cr Kepert moved, seconded Cr Barling –

That the meeting be closed to the public to permit discussion on a confidential matter (Item T18/2781 – Civic Library and Cultural Centre) covered under section 5.23 (2) (c) and (e) of the *Local Government Act 1995*.

At 8:00pm the Mayor submitted the motion, which was declared

CARRIED (8/0)

T18/3781	Confidential Item – Civic Library and Cultural Centre
	<p>OFFICER PRESENTATION Mario Murphy – Manager City Buildings Leeann Reid – Manager Cultural Services Gavin Ponton – Manager Strategic Urban Planning</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>The Director Technical Services advised the meeting that four questions were received from Cr Woodall.</p>

At 8:57pm Cr Phelan moved, seconded Cr Barling -

That the meeting come out from behind closed doors and the public be invited back into the meeting.

At 8:57pm the Mayor submitted the motion, which was declared

CARRIED (8/0)

No members of the public returned to the meeting.

11. CLOSURE

There being no further business to be discussed, His Worship the Mayor declared the meeting closed at 8:57pm.