

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

TUESDAY 6 APRIL 2021

AT 6.00PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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 are 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.

DISCLAIMER

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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/agendas in accordance with the provisions of the Policy.

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6:00PM ON TUESDAY 6 APRIL 2021.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:00pm and advised those present of the Disclaimer that is on the front page of these Minutes, the Affirmation of Civic Duty and Responsibility and advised that this meeting is being recorded and invited Cr Steve Kepert to read the Acknowledgement of Country.

“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.”

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. PRESENT

COUNCILLORS

WARD

Cr J Barton - Presiding Member
 (Deputy Mayor)
 Cr G Barber
 Cr D Macphail, Cr N Robins
 Cr C Robartson, Cr M Woodall
 Cr S Kepert, Cr N Pazolli
 Cr K Mair, Cr M Sandford
 Cr T Fitzgerald, Cr K Wheatland

Bicton – Attadale – Alfred Cove

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

3. IN ATTENDANCE

Mr M Tieleman
 Mr S Cope
 Mr A Ferris (*until 8:23pm*)
 Mr D McAuliffe (*until 8:39pm*)
 Mr G Ponton
 Mr M Scarfone (*until 7:35pm*)
 Mr B Taylor
 Ms C Newman
 Ms R Davis

Chief Executive Officer
 Director Urban Planning
 Director Corporate Services (*electronic attendance*)
 Manager People Services (*electronic attendance*)
 Manager Strategic Urban Planning
 Acting Manager Statutory Planning
 Manager Governance and Property
 Governance Coordinator
 Executive Assistant

At the commencement of the meeting there was one member of the public in the Public Gallery and 6 members of the public and no representative from the Press in attendance electronically.

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

Mayor Honourable G Gear
Ms C Young
Mr M McCarthy

Director Community Development
Director Technical Services

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 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 Mr C Delane, Leeming****Item – Motion 12.2 – Cultural Change**Question 1

From the information provided in the motion, and the accompanying Officer Advice Note 12.2 it seems that no consultation or feedback was sought with/from residents and ratepayers in regard to the organisational cultural change required within the City of Melville Administration despite the fact that the significant disconnect between the former and the latter was partly due to the arrogant, defensive, condescending, 'we know best' culture of the latter. Accordingly, would you please what, if any, consultation or feedback was sought with/from residents and ratepayers in regard to the organisational cultural change required within the City of Melville Administration, and if none, why?

Response

The City has recently conducted an organisational culture change investigation, which included research and surveys facilitated by Peopleistic and Australian Institute of Company Directors and these were primarily internally focussed based on feedback provided by the current Elected Member Group. The cultural change program also drew from the findings and recommendations of the Authorised Inquiry report released in June 2019 and subsequent Council decisions regarding the actioning of findings and recommendations. Further information is available on the City's website at <https://www.melvillecity.com.au/our-city/our-council/authorised-inquiry>

6.2 City of Melville Residents and Ratepayers Inc**Item – Motion 12.1 – CEO Complaints Management**Question 1

1. *How many complaints have been made against the CEO over the last 2 years?*

Question 2

2. *CEO Marten Tieleman committed to publishing his KPIs at the February 2021 AGM of Electors; where can they be found on the City's website and when were they put there?*

Item – Motion 12.2 – Cultural ChangeQuestion 3

3. *Have, and if so when, were the City's key customers, ie the ratepayers, been consulted in relation to their views on the requirements for, and the progress of the City's much needed cultural change. What was the feedback from the customers, if any?*

6. *Public Question Time continued, City of Melville Residents and Ratepayers Inc*

Item - Motion 12.3 – CP-017 Legal Representation Policy

We refer to the “Council divided by CEO Captain’s call on defamation aid” article published on 29 August 2020 in the Melville City Herald.

Question 4

4.1. *How much did the City spend for McLeods Barristers and Solicitors’ services to provide the ‘preliminary advice’ and other work in relation to Mr Hitchcock’s alleged defamation matter (per 1(c) of CP-017).*

Question 5

4.2. *What were CEO Marten Tieleman’s reasons for determining Mr Hitchcock’s alleged defamation was an ‘exceptional circumstance’ (per 1(c) of CP-017) and thus approving expenditure on the preliminary advice and other work?*

Question 6

4.3. *Did any Court or Tribunal make judgements, rulings or other findings that supported Mr Hitchcock’s defamation allegations?*

Question 7

4.4. *Did Mr Hitchcock re-imburse the City for all of the City’s expenditure on McLeods’ preliminary advice and other work?*

Question 8

4.5. *Are Council satisfied all expenditure on Mr Hitchcock’s defamation matter was an appropriate use of public funds?*

Question 9

5. *In relation to any other City employees or Elected Members that has sought to assistance via the City’s CP-017 Legal Representation Policy since August 2020?*

Question 10

5.1. *How many employees and Elected Members have sought to utilise CP-017?*

6. *Public Question Time continued, City of Melville Residents and Ratepayers Inc*

Question 11

5.2. *Has CEO Marten Tieleman sought to utilise CP-017, if so when did the Director Corporate Services, the Mayor and/or Council approve any assistance in terms of preliminary advice or direct support pursuant to 2(f)?*

Question 12

5.3. *What was/is the nature of the legal proceedings / matters to which the CEO, employees and/or Elected Members are seeking assistance under CP-017 and what were the reasons for the decisions to provide that assistance; be it preliminary advice or other assistance?*

Question 13

5.4. *How much has been expended on preliminary advice and other assistance for each of the matters supported?*

Question 14

5.5. *How much has or is currently intended to be provided to employees and/or elected members?*

Question 15

5.6. *How much of the City's expenditure has or is currently anticipated will be returned?*

Question 16

6. *When will Council execute the much needed amendments to CP-017?*

Response

These 16 questions were taken on notice and responses will be provided in the minutes of the April 2021 Ordinary Meeting of Council.

7. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

- Cr K Mair – Item P21/3914 Seven Storey Mixed Use Development – Lot 565 (No.2) & Lot 566 (No.4) Kearns Crescent, Ardross. Financial Interest.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr M Woodall – Item P21/3914 Seven Storey Mixed Use Development – Lot 565 (No.2) & Lot 566 (No.4) Kearns Crescent, Ardross. Interest under the Code of Conduct Regulations.
- Mr M Tieleman – Motion 12.1 Complaints Management – CEO Interest under the Code of Conduct.

8. DEPUTATIONS

Nil.

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	I am a director of a company that owns a property in close proximity
Request	Leave
Decision	Leave

Member	Cr Woodall
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the JDAP panel that will consider this item.
Request	Leave
Decision	Leave

At 6.09pm having declared an interest in the matter Cr Mair left the meeting.

At 6.09pm having declared an interest in the matter Cr Woodall left the meeting.

Officers tabled a document titled [5.0 Architectural Drawings by SPH Architecture and Interiors.](#)

At 6.09pm, Mr M Scarfone Acting Manager Planning Services entered the chambers for the purpose of providing Elected Members with a presentation, which concluded at 7:03pm.

P21/3914 – SEVEN STOREY MIXED USE DEVELOPMENT – LOT 565 (NO.2) & LOT 566 (NO.4) KEARNS CRESCENT, ARDROSS (REC) (ATTACHMENT)

Ward	: Central Ward
Category	: Operational
Application Number	: DAP-2021-1
Property	: No.2 (Lot 565) & No.4 (Lot 566) Kearns Crescent, Ardross
Proposal	: Proposed Mixed Use Development
Applicant	: N Silich - SPH Architecture and Interiors
Owner	: Mr J Bacich, J.Bacich Nominees Pty Ltd Southsea Securities Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Responsible Officer	: Peter Prendergast Manager Planning Services

P21/3914 – SEVEN STOREY MIXED USE DEVELOPMENT – LOT 565 (NO.2) & LOT 566 (NO.4) KEARNS CRESCENT, ARDROSS (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

- This Responsible Authority Report (RAR) is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Sandford and Cr Mair.
- Approval is sought for a 7 Storey Mixed Used Development at No. 2 (Lot 565) & No. 4 (Lot 566) Kearns Crescent, Ardross. The cost of the development is \$8.6 million and therefore, applicant has elected to have the development application determined by the Metro Inner-South Joint Development Assessment Panel (JDAP).
- The mixed use development comprises of 43 multiple dwellings and 3 ground floor commercial tenancies.
- The subject sites are zoned Centre C2 'RAC-0 under the provisions of the Riseley Centre Structure Plan.
- In the assessment of the proposed development the provisions of Local Planning Scheme No.6 (LPS6), the Riseley Activity Centre Structure Plan, State Planning Policy 7.3 – Residential Design Codes Volume 1 and a number of local planning polices, provide the key development controls for these sites.
- The Responsible Authority Report has been prepared by officers and is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 9 March 2021.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 4 individual written submissions were received – one submission of support and three expressing concerns.
- The recommendation of the RAR is that the JDAP approve the proposal for reasons outlined in the attached RAR report to the JDAP.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

P21/3914 – SEVEN STOREY MIXED USE DEVELOPMENT – LOT 565 (NO.2) & LOT 566 (NO.4) KEARNS CRESCENT, ARDROSS (REC) (ATTACHMENT)



Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Centre C2 'RAC-0
R-Code	: N/A
Use Type	: Mixed Use
Use Class	: Permitted

Site Details

Lot Area	: No. 2 (Lot 565) Kearns Crescent – 635m ² No.4 (Lot 566) Kearns Crescent – 792m ² Total lot size: 1427m ²
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: Yes
Site Details	: Refer to Figure 1 above

P21/3914 – SEVEN STOREY MIXED USE DEVELOPMENT – LOT 565 (NO.2) & LOT 566 (NO.4) KEARNS CRESCENT, ARDROSS (REC) (ATTACHMENT)**DETAIL**

Development approval is sought from the Metro Inner-South Joint Development Assessment Panel (JDAP) for a seven storey mixed use development.

Refer to the attached [3914 Responsible Authority Report \(RAR\)](#) for details of the development proposed by this application.

[3914 Attachment 2 Cover Letter](#)

[3914 Attachment 3 Appendix B Waste Management Plan](#)

[3914 Attachment 4 Design Review Panel Meeting Minutes](#)

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The applicant has elected to have this development application determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

These are outlined in full within the RAR as attached to this report.

P21/3914 – SEVEN STOREY MIXED USE DEVELOPMENT – LOT 565 (NO.2) & LOT 566 (NO.4) KEARNS CRESCENT, ARDROSS (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The recommendation of this report is for the Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Special Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

OFFICER RECOMMENDATION (3914)**APPROVAL**

That the Council advise the Metro Inner-South Joint Development Assessment Panel that the Council of the City of Melville endorses the recommendation of the responsible authority report to approve the application for the proposed Seven Storey Mixed Use Development on Lot 565 (No. 2) & Lot 566 (No.4) Kearns Crescent, Ardross.

At 6.59pm Cr Robins left the meeting and returned at 7.00pm.

Reject and Replace

At 7:04pm Moved by Cr Sandford, Seconded Cr Pazolli –

That the Council recommend that the Metro Inner South Joint Development Assessment Panel application for the proposed Seven Storey Mixed Use Development on Lot 565 (No. 2) & Lot 566 (No.4) Kearns Crescent, Ardross be refused for the following reasons

COUNCIL RESOLUTION

At 7:13pm Cr Sanford moved, seconded Cr Kepert –

That Cr Pazolli be granted a further 5 minutes to speak on this matter.

At 7:28pm the Presiding Member declared the motion

CARRIED (10/0)

P21/3914 – SEVEN STOREY MIXED USE DEVELOPMENT – LOT 565 (NO.2) & LOT 566 (NO.4) KEARNS CRESCENT, ARDROSS (REC) (ATTACHMENT)

Reject and Replace

COUNCIL RESOLUTION

At 7:04pm Moved by Cr Sandford, Seconded Cr Pazolli –

That the Council recommend that the Metro Inner South Joint Development Assessment Panel application for the proposed Seven Storey Mixed Use Development on Lot 565 (No. 2) & Lot 566 (No.4) Kearns Crescent, Ardross be refused.

At 7:27pm the Presiding Member declared the motion

CARRIED (8/2)

Yes	8	Cr G Barber, Cr J Barton, Cr K Wheatland, Cr M Sandford, Cr N Robins, Cr S Kepert, Cr T Fitzgerald, Cr N Pazolli
No	2	Cr C Robartson, Cr D Macphail

Reasons for the Reject and Replace Motion

An appointed representative of the Council to present a deputation to the JDAP on this matter with the following reasons being presented in support the Council’s refusal resolution:

- Building height is too high – 6 stories verse 7 stories (mezzanine, lift overrun, height of roof terrace).
- The application of tandem parking.
- Existing noise complaints and parking is tight.
- The addition of more commercial buildings will bring more parking issues to the area.
- Visual privacy of the upper storeys are compromised as there may be further development in the future.
- Should not compromise on privacy.
- Setback discretion that is excessive resulting in an overall bulking with high apartment density yields.
- Does not meet the minimum 20% apartment type.
- Building height definitions identified in the Riseley Activity Centre Plan is vague and may set out to confuse readers. Clear public benefit should be evidenced to justify extra stories.

At 7:15pm Cr Kepert left the meeting and returned at 7:17pm.

*At 7:35pm Ms Newman left the meeting and returned at 7:36pm.
At 7:35pm Cr Wheatland left the meeting and returned at 7:36pm.
At 7:35pm Mr Scarfone left the meeting and did not return.*

12. MOTIONS WITH NOTICE

Disclosures of Interest

Member	Mr M Tieleman
Type of Interest	Interest under the Code of Conduct
Nature of Interest	I am the CEO and would therefore be the subject of complaints under this motion.
Request	Leave
Decision	Leave

At 7:35pm having declared an interest in the matter, Mr M Tieleman left the meeting.

*At 7:36pm Cr Woodall returned to the meeting.
At 7:36pm Cr Mair returned to the meeting.*

12.1 Motion with Notice - Complaints Management - CEO

An Officer Advice Note was provided for this Motion [Advice Note Motion 12_1](#)

Motion

The Council moves that all Elected Members receive a copy of any complaint made against the CEO once received by any party.

At 7:37pm prior to discussion and debate, Cr Kepert accepted the inclusion of the words “except where prohibited by law” at the end of his motion.

At 7:37pm Cr Kepert moved, seconded Cr Sandford –

The Council moves that all Elected Members receive a copy of any complaint made against the CEO once received by any party, except where prohibited by law.

COUNCIL RESOLUTION

At 7:43pm Cr Wheatland moved, seconded Cr Mair –

That Cr Kepert be granted a further five minutes to speak on this matter.

At 7:43pm the Presiding Member declared the motion

CARRIED UNANIMOUSLY (12/0)

12.1 Motion with Notice - Complaints Management - CEO

Amendment

COUNCIL RESOLUTION

At 7:56pm Cr Robins moved, seconded Cr Wheatland –

That the motion be amended as below:

- **Including the words “to the City by any party” after the words “complaint made”.**
- **Including the words “within ten business days, along with the findings of a preliminary assessment of the complaint” after the words “against the CEO**

At 8:10pm the Presiding Member declared the motion

CARRIED (11/1)

Yes	11	Cr C Robartson, Cr D Macphail, Cr G Barber, Cr J Barton, Cr K Wheatland, Cr K Mair, Cr M Sandford, Cr M Woodall, Cr N Robins, Cr T Fitzgerald, Cr N Pazolli
No	1	Cr S Kepert

Substantive Motion as amended

COUNCIL RESOLUTION

At 7:37pm, Cr Kepert, Seconded Cr Sandford –

The Council moves that all Elected Members receive a copy of any complaint made to the City by any party against the CEO within ten business days, along with the findings of a preliminary assessment of the complaint, except where prohibited by law.

At 8:16pm the Presiding Member declared the motion

CARRIED (11/1)

Yes	11	Cr C Robartson, Cr D Macphail, Cr G Barber, Cr J Barton, Cr K Wheatland, Cr K Mair, Cr M Sandford, Cr M Woodall, Cr N Robins, Cr T Fitzgerald, Cr N Pazolli
No	1	Cr S Kepert

Reasons for the Motion with Notice as provided by Cr Kepert

At present the City of Melville has no clear process for dealing with complaints made against the CEO. The only reference is made under section 8.3 of the Code of Conduct (Employees):

“Where an employee or Elected Member believes that the Chief Executive Officer has failed to comply with the Code of Conduct, they should report the matter to the Mayor who will report the matter to the Governance Committee. The Council’s Governance Committee will be responsible for the investigation of allegations of breaches of the Code of Conduct by the Chief Executive Officer and must either:

- *investigate the alleged breach; or*
- *engage an independent person to investigate the allegation.”*

A number of complaints have recently been made against the CEO but Councillors have not been informed of their content. It is vital that all Councillors receive this information promptly so that they can carry out their duties in accordance with section 2.7(1) of the *Local Government Act 1995*:

2.7. Role of council

(1) The council —

- (a) governs the local government’s affairs; and
- (b) is responsible for the performance of the local government’s functions.

*At 8:13pm Cr Sandford left the meeting and returned at 8:15pm.
At 7:44pm Ms Davis left the meeting and returned at 7:45pm.
At 8:17pm Ms Newman left the meeting and returned at 8:17pm.
At 8:17pm Mr Tieleman returned to the meeting.*

12.2 Motion with Notice - Organisational Cultural Change

At 8:16pm prior to discussion and debate, Cr Kepert requested the date of “March 2021” be amended to “May 2021” in his motion.

An Officer Advice Note has been provided for this Motion [Advice Note Motion 12 2](#)

Motion

At 8:16pm Cr Kepert moved, seconded Cr Sandford –

The Council directs the CEO to provide a shortlist of consultants specialising in organisational culture, organisational change & development for the selection by the Council at the May 2021 Ordinary Meeting of Council.

The consultants are required to possess suitable postgraduate qualifications from a major Western Australian university.

The consultant will be tasked with assisting the Council in overseeing cultural change in the City’s administration with terms of reference to be determined by the Council.

The administration is precluded from issuing the consultant(s) any brief or term of reference.

COUNCIL RESOLUTION

At 8:22pm Cr Wheatland moved, seconded Cr Mair –

That Cr Kepert be granted a further five minutes to speak on this matter.

At 8:22pm the Presiding Member declared the motion

CARRIED UNANIMOUSLY (12/0)

*At 8:23pm Mr Ferris disconnected electronically from the meeting and did not return.
At 8:38pm Cr Robartson left the meeting and returned at 8:40pm.
At 8:39pm Mr McAuliffe disconnected electronically from the meeting and did not return.*

COUNCIL RESOLUTION

At 8:49pm Cr Wheatland moved, seconded Cr Robins –

That Cr Fitzgerald be granted a further five minutes to speak on this matter.

At 8:49pm the Presiding Member declared the motion

CARRIED UNANIMOUSLY (12/0)

12.2 Motion with Notice - Organisational Cultural Change

COUNCIL RESOLUTION

At 8:58pm Cr Mair moved, seconded Cr Pazolli –

That Cr Kepert be granted a further five minutes to speak on this matter.

At 8:58pm the Presiding Member declared the motion

CARRIED UNANIMOUSLY (12/0)

Motion

At 8:16pm Cr Kepert moved, seconded Cr Sandford–

The Council directs the CEO to provide a shortlist of consultants specialising in organisational culture, organisational change & development for the selection by the Council at the May 2021 Ordinary Meeting of Council.

The consultants are required to possess suitable postgraduate qualifications from a major Western Australian university.

The consultant will be tasked with assisting the Council in overseeing cultural change in the City's administration with terms of reference to be determined by the Council.

The administration is precluded from issuing the consultant(s) any brief or term of reference.

At 9:08pm the Presiding Member declared the motion

LOST (4/8)

Yes	4	Cr K Mair, Cr M Sandford, Cr S Kepert, Cr N Pazolli
No	8	Cr C Robartson, Cr G Barber, Cr J Barton, Cr K Wheatland, Cr M Woodall, Cr N Robins, Cr T Fitzgerald, Cr D Macphail

12.3 Motion with Notice - Review of Policy CP-017 - Legal Representation Policy Elected Members and Employees

An Officer Advice Note has been provided for this Motion [Advice Note Motion 12 3](#)

Motion

The Council will review CP-017 Legal Representation Policy Elected Members and Employees.

Procedural Motion

COUNCIL RESOLUTION

At 9:09pm Cr Kepert, Seconded Cr Fitzgerald –

That 12.3 Motion with Notice - Review of Policy CP-017 - Legal Representation Policy Elected Members and Employees be deferred to the next 20 April Ordinary Meeting of Council.

At 9:10pm the Presiding Member declared the motion

CARRIED (10/2)

Yes	10	Cr D Macphail, Cr G Barber, Cr J Barton, Cr K Wheatland, Cr K Mair, Cr M Sandford, Cr M Woodall, Cr S Kepert, Cr T Fitzgerald, Cr N Pazolli
No	2	Cr C Robartson, Cr N Robins

Reasons for the Motion with Notice as provided by Cr Kepert

There has been much confusion as to the intended purpose of this policy and inconsistencies in its application.

13. CLOSURE

There being no further business to discuss, the Presiding Member, Deputy Mayor Cr Barton declared the meeting closed at 9.10pm.