

MINUTES

OF THE

ANNUAL GENERAL MEETING OF ELECTORS

HELD IN THE

CONFERENCE ROOM, MELVILLE CIVIC CENTRE

AT 6.30PM ON

11 DECEMBER 2013

MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE CONFERENCE ROOM, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON WEDNESDAY 11 DECEMBER 2013.

1. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

WARD

Cr Reynolds (Deputy Mayor)
Cr N Foxton
Cr D Macphail, Cr R Aubrey
Cr R Willis
Cr C Robartson (From 6.44pm)
Cr C Schuster
Cr N Pazolli (From 6.44pm)
Cr S Taylor-Rees
Cr R Hill, Cr P Phelan

University
University
City
Bull Creek/Leeming
Bull Creek/Leeming
Applecross/Mount Pleasant
Applecross/Mount Pleasant
Bicton/Attadale
Palmyra/Melville/Willagee

2. IN ATTENDANCE

Dr S Silcox
Mr M Tieleman
Ms L Hartill
Mr J Christie
Mr L Hitchcock
Ms K Johnson

Mr G Ponton
Mr P Prendergast
Mr T Capobianco
Ms K Brosztl
Mr D Ward

Mr J Bird

Mr A Mehra
Ms C Coney
Mr B Taylor

Chief Executive Officer
Director Corporate Services
A/Director Community Development
Director Technical Services
Executive Manager Legal Services
Executive Manager Organisational
Development
A/Director Urban Planning
Manager Statutory Planning
Manager Building Services
Manager Engineering Design
Manager Engineering Services
(Operations Services)
Manager Parks & Environment

A/Manager Neighbourhood Amenity
A/Manager Cultural Services
A/Manager Finance & Information
Services

Mr L Bell	A/Manager Asset Management
Mr M Doyle	Community Recreation Coordinator
Ms D Skuza	Coordinator Community. Development West Neighbourhood
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer

At the commencement of the meeting there were 23 Electors of the City of Melville and no members of the press in attendance.

3. APOLOGIES

Cr C Robartson for late arrival at 6.44pm.
Cr N Pazolli for late arrival at 6.44pm.
Mr S Cope, Director Urban Planning
Mr M Nichol, Attadale

4. LEAVE OF ABSENCE

Cr J Barton – Bicton/Attadale Ward

5. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS

His Worship the Mayor, R Aubrey, introduced individual Elected Members and Senior Staff to the meeting and advised that the City's Management Team were in attendance and would be available to meet electors after the meeting.

6. DECLARATIONS OF INTEREST

6.1 FINANCIAL INTERESTS

Nil.

6.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

7. BUSINESS

7.1 NOTICE OF ANNUAL GENERAL MEETING OF ELECTORS

The following Notice of Meeting was advertised in the West Australian Newspaper on Saturday, 23 November 2013 and the Melville Times Community Newspaper on Tuesday, 3 December 2013, in addition to being displayed on public notice boards at all the City of Melville libraries and the Civic Centre. The notice read:

“Annual General Meeting of Electors

Electors are invited to the Annual General Meeting of Electors that will be held on **Wednesday 11 December 2013** in the Conference Room of the **Civic Centre, 10 Almondbury Road, Booragoon** commencing at **6.30pm**.

Order of Business

1. To receive the Community Annual Report 2012-2013 for the year ended 30 June 2013
2. General Business

The Elected Members and staff welcome your questions regarding the City of Melville, the Community Annual Report or any matter relating to the Notice of Meeting. A question form can be obtained from the City of Melville website www.melvillecity.com.au or please contact Corporate Support on 9364 0607 for alternative arrangements.

In order for complex questions to be answered at the meeting, questions must be received by **5.00pm** on **Monday 9 December 2013**.

Copies of the Annual Report will be available for inspection from **Friday 29 November 2013** at the **Melville Civic Centre** and all City of Melville Libraries. A copy will also be available on the City of Melville website.

**Dr Shayne Silcox
Chief Executive Officer”**

His Worship the Mayor read out the Manner of Conduct of the Meeting.

7.2 MANNER OF CONDUCT OF THE MEETING

1. It is a requirement to advise that in the event of an emergency, everyone should take direction from officers who will guide you to the exit points of the building.
2. Toilets are located immediately before the entry to the Council Chambers.
3. All present are required to sign the attendance register at the entry to the Conference Room.
4. Speakers must be Electors of the City of Melville.
5. The proceedings are being taped for the purpose of production of the minutes and speakers are requested to use the microphones each time they speak.

The Minutes will include a summary of any questions asked and a summary of the response provided.

6. No other audio or visual recording is to be undertaken without the permission of the Presiding Member.
7. Speakers are asked to clearly give their name and address each time they speak.
8. Upon a motion being proposed, each speaker is to address the Chair.
9. All addresses are to be limited to a maximum of five (5) minutes. Extension of time is permissible only with the agreement of a simple majority of Members present (9.6 of Standing Orders).
10. No persons are to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (8.3 of Standing Orders).
11. All Elected Members and Directors attend this meeting to observe the proceedings and hear comments from Electors. All questions and comments should be directed to the Mayor who may invite a response from the Chief Executive Officer, Presiding Members of Committees, Directors or Elected Members.

His Worship the Mayor advised that all questions are to relate to matters affecting the City, no personal issues.

8. PRESENTATION OF COMMUNITY ANNUAL REPORT 2012/2013 INCLUDING FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013.

His Worship the Mayor advised that copies of the Community Annual Report 2012/2013 had been circulated and had been available on request from City of Melville, libraries and the City's website.

The Mayor asked for a general agreement from Electors that the meeting would conclude at approximately 8.30pm. This was agreed.

9. GENERAL BUSINESS

The Governance and Compliance Program Manager read out questions that were received in writing prior to the meeting.

E Nicholson, Booragoon

Question 1

As the City of Melville has a policy of open and transparent governance above and beyond that which is mandated by the Local Government Act 1995, would you please explain the reason/s the City only provides the cash component of the total remuneration paid to its executives earning more than \$100,000/year in salary? Would it not be more transparent to detail out the total salary package (cash plus non-cash benefits) rather than just the cash component?

Response

The Executive Manager Legal Services responded to the question.

The information has been provided in an email as below:

From: Louis Hitchcock
Sent: Monday, 18 November 2013 1:02 PM
To: 'pazollie@optusnet.com.au'
Cc: Solveig Winn
Subject: RE: Notice of Motion

Dear Ms Nicholson

The City has obtained the opinion from their solicitors with regards to the motion that you proposed to present to the Council.

As you are no doubt aware, I cannot give you a copy of the opinion, nor can I give a quote from the opinion. I can however tell you what the nature of the opinion is.

In essence the City's solicitors advised that the preparation of the annual report is a task which falls within the administration of local government in part 5 of the Local Government Act 1995. The Regulations to the Act, which deals with the information to be included in the report, is set out in reg. 19B of the Local Government (Administration) Regulations 1996 (**Regulations**). The content that was proposed in your motion varied from that prescribed in the regulations and was to that extent inconsistent with the requirements of the Act as read with the regulations and could not be varied by Council.

Regards

Louis Hitchcock
Executive Manager Legal Services
louis.hitchcock@melville.wa.gov.au

The Executive Manager Legal Services further explained there is reference to a motion, at the time the questioner was an Elected Member but since the election in October 2013, has ceased to be an Elected Member.

E Nicholson, Booragoon (Continued)Question 2

Did the City pay/reimburse any person/s for the costs of Mayor Aubrey's legal fees in the Violence Restraining Order case he brought against Cr N Pazolli in 2013? Was there a claim against the City's insurers for the reimbursement of all or part of Mayor Aubrey's legal fees?

Response

The Chief Executive Officer responded to the question. No.

Question 3

I refer to the existing and the draft Code of Conduct. The Local Government Act states that only the Mayor (or Deputy Mayor in his/her absence) and CEO are entitled to speak on behalf of Council. A Councillor, however, is able to speak on any matter as long as they state that it is their own opinion and not that of the Council's. Would you please quote the section/s of the Local Government Act 1995 where it is stated that Councillors are not allowed to speak to the media on items before council or that may come before council in the future?

At 6.44pm His Worship the Mayor advised that Cr Pazolli and Cr Robartson had entered the meeting.

Response

His Worship the Mayor responded to the question.

The power of a Councillor is in their vote and informed debate in the Council Chamber. Comments made out of the Council Chamber serve no purpose other than to try to undermine a valid and lawful resolution of the Council.

Your request for references to the Local Government Act 1995 is addressed and in addition, quotes have been included from the State Administrative Tribunal.

The Local Government Act 1995 at Section 2.8 provides;

*"2.8. Role of mayor or president
(1) The mayor or president —*

(d) speaks on behalf of the local government;"

The Act then provides at Section 2.10;

2.10. Role of councillors

A councillor —

(a) represents the interests of electors, ratepayers and residents of the district; and

(b) provides leadership and guidance to the community in the district; and

E Nicholson, Booragoon (Continued)

(c) facilitates communication between the community and the council; and

(d) participates in the local government's decision-making processes at council and committee meetings; and

(e) performs such other functions as are given to a councillor by this Act or any other written law.

There is no mention or intent expressed in the Act of Councillors speaking to the media. That is the role of the Mayor or where the Mayor agrees, the Chief Executive Officer may speak on behalf of the Local Government. (Section 5.41 (f).

See Excerpt from Deputy President Judge Prichard in Treby and Local Government Standards Panel [2010] WASAT 81 (Treby).

46. However, when a council member makes the required declaration of office before acting in that office:

(a) the member declares that they take that office upon themselves to duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the local government's district (and not of any of its wards in particular) according to the best of their judgment and ability, and that they will observe the Regulations; and

(b) by making that declaration the member voluntarily restricts himself as to the extent that they are able to lawfully express himself on many matters; and

(c) the member is expected to observe standards of conduct that may restrict what he or she can write or say, and these restrictions where applicable may be perceived as limiting the implied freedom of political communication under the Commonwealth *Constitution*.

Also under Section 5.103 of the Local Government Act 1995 requires the City is required to adopt the Code of Conduct.

The provisions rest in the Council's Code of Conduct that has been adopted as a Council Policy. This provision has a base in Administrative law to protect the integrity of the Council's resolutions against claims of bias and external influence in decision making.

The provisions are enunciated in the above quote from Deputy President Judge Prichard in Treby and Local Government Standards Panel.

E Nicholson, Booragoon (Continued)Question 4

I note the amended code of conduct only applies to Councillors. When will the Code of Conduct for employees of the City be presented to Council?

Why has the CEO seen fit to have two codes of conduct; 1 for employees and one for Councillors rather than 1 Code of Conduct for both employees & Councillors as it is currently?

Response

His Worship the Mayor read out the answer to the question.

There was a request to provide separate Codes from Elected Members and the request has been implemented. The provision of two documents written for specific reasons will address issues of clarity for both audiences, Elected Members and members of staff.

The role of Elected Members who are accountable under the Local Government Act 1995 is quite different to that of employees who are required to observe a greater number of Acts and Regulations not the least being Occupational Safety and Health Act, Equal Opportunity Act, Disability Services Act and numerous other Acts that relate to employment conditions and employee rights and obligations. Clearly two different sets of regulatory procedures to be followed that's why we are ending up with two Codes of Conduct. The Code of Conduct obligations for employees are both harsher and more rigorous.

The sections of the Code of Conduct that relate to conduct at Meetings, engagement with the community is more relevant for Elected Members but less relevant for employees.

The Code of Conduct for employees will be approved by the CEO and will then apply to all employees within the City of Melville.

Question 5

At the October 2012 Ordinary Meeting of Council, it was approved "**C12/5254 - RECORDING COUNCIL MEETINGS (REC):**

That the Council:

- 1. Proceed to amend the Standing Orders Local Law to record the Ordinary Meetings of Council, Agenda Briefing Forums and Special Meetings of Council and to arrange for the audio recording of all Ordinary Meetings of Council, Agenda Briefing Forums and Special Meetings of Council.**
- 2. Requests the Chief Executive Officer to further investigate appropriate audio equipment and electronic voting solutions and associated costs, to replace the current microphone system in the Council Chambers and submit a capital budget request as part of the City's 2012-2013 budget review deliberations.**
- 3. Resolves that following the purchase of an electronic voting system all votes by Elected Members and the respective names and manner of voting be recorded and included in the minutes.**

At 9.01pm the Mayor declared the motion **CARRIED (11/0)** "

E Nicholson, Booragoon (Continued)

Would you please advise when the Council's resolution will be carried out?

Response

Prior to reading the response to this question His Worship the Mayor responded advising that this was no small purchase with the cost being \$50,000, possibly up to \$100,000 for recording equipment within the Council Chamber.

His Worship the Mayor read the response as follows -

The City was provided a National Broadband Network grant for sophisticated equipment. It was considered prudent to ensure that any purchase of audio equipment for the Council Chamber was technically consistent with the NBN equipment to provide options for integration at a future date.

An order will be placed in January 2014 for the Council Chamber audio replacement.

Question 6

I refer to the statement made by Ms Rebecca Aubrey (now Cr R Aubrey) at a ratepayers' meeting in Booragoon in October 2013; is artificial turf going to be installed at Len Shearer Reserve or is the City planning to install the artificial turf elsewhere? If so, would you please advise where?

Cr Aubrey raised a Point of Order.

The statements that Ms Nicholson is referring to were in fact made by Cr Pazolli, not myself (Cr R Aubrey), I find that statement entirely misleading.

As there was a dispute, His Worship the Mayor asked if there were any other Councillors in attendance at this meeting.

Cr Pazolli advised he was at the meeting, he recalled Rebecca Aubrey commenting that she was aware of being informed that the artificial turf was to be located at another location.

Cr Schuster also attended the meeting as a private individual. Cr Schuster advised that he didn't say anything during the meeting, he just listened. Cr Pazolli addressed the meeting at length and he did raise the issue of Len Shearer. Cr Schuster stated that he did not recall whether Cr Aubrey said anything or not and if she did say something, what she talked about, there were about 35 people at that meeting.

His Worship the Mayor advised that he seemed to remember at the time when this became something of an issue raised by Cr Nicholson that he sent an email to Cr Nicholson. The Mayor asked if there was a record of the email.

Cr Aubrey advised she had the email. The Mayor requested that Cr Aubrey read out the content of the email.

E Nicholson, Booragoon (Continued)

The Mayor believed that there was conjecture over who made the statement and believed Cr Nicholson, (now Ms Nicholson) was eluding to the fact that Cr Aubrey's had not made the statement.

Cr Aubrey read out the email of 9 October 2013 from the Mayor to Ms Nicholson and a copy was also sent to Cr Aubrey. The email read as follows –

“Hi Effie

I have now had confirmation of the accuracy of Ms Aubrey's counter statement from an independent member of the community. I suggest you take informed advice before making a reference to your claims in a public forum.”

The Mayor responded further to question 6.

The City is in negotiations with other bodies concerning placement of artificial turf and no decision is able to be made at this time pending the conclusion of negotiations.

Question 7

In light of the recent loss by Mayor R Aubrey of his Violence Restraining Order(VRO) claim against Cr N Pazolli, and the seemingly unusual memories of both the Mayor and the facilitator, is it appropriate for Mayor Aubrey to continue to act in the honourable role of the City's Mayor?

Response

His Worship the Mayor advised that there were elements of the question that were quite defamatory but he had chosen to allow them to be read so that he could respond to them. The Mayor asked Ms Nicholson if she was happy for him to respond to the question and also asked Cr Pazolli if he was happy for the Mayor to respond to the question as it does affect Cr Pazolli. Both Ms Nicholson and Cr Pazolli responded, yes. The Mayor advised that the approval of Ms Nicholson and Cr Pazolli for the Mayor to respond to the question was important and was to be kept on record.

His Worship the Mayor responded as follows:

“My situation is, if you want an analogy, even the best behaved young man in the playground gets to a stage where he can no longer tolerate getting prodded by the little school bully, so this is that time now that I am making my first response in regard to this VRO. I have chosen not to make a response before because it reflects, possibly negatively on one of my Councillors. Now I will respond but I will respond purely from the Magistrate's reasons for decision. I am not going to put my interpretation, I will tell you what the Magistrate informed those gathered in terms of why he made the decision. I will select some parts and I will be brief.

E Nicholson, Booragoon (Continued)

Mayor's response continued –

But understand that I have waited to this time some six months before responding to any of the misleading information that has been presented on the front page of the newspaper. I have waited to this time so that I could have confirmation and approval from those directly affected, indeed approval from Cr Pazolli and I am reluctant to give too much detail of the hearing which has already been aired in the press as I have been trying to protect Cr Pazolli and the Council, at my own personal expense in the press.

I would also at the expense of my wife and the rest of my family whose name has been degraded by very very distorted reporting by the Fremantle press but I will quote purely from the Magistrate's findings. These are the Magistrate's words. If you want to believe local newspapers over and above the Magistrate then you might want to go to the finding, the final outcome and ask whether that was the right answer anyway but if you are concluding that as a loss, it was not a loss to start with.

The City has benefitted considerably from the VRO. I was recommended to take out a VRO I was given good advice on that to protect myself and my family and my property and I notice a few people in the audience shaking their head. You will shake your head a little bit more in a moment.

In his reasons for his findings the Magistrate said about Mayor Aubrey, and I QUOTE: "*I thought that he was truthful when he gave evidence and that he was doing the best that he can.*" UNQUOTE.

The Mayor added;

The next time you are subject to a violent assault and someone is shouting in your face profanities and other statements, you attempt to recall what they said.

I am happy to say however, that the outcome of the whole VRO matter is a good one for the City.

E Nicholson, Booragoon (Continued)

My reason for saying this is best explained by quoting the findings of the Magistrate, who presided at the hearing, and on which findings his decision was based.

He decided not to confirm the interim VRO as he was satisfied that, even though the behaviour of Cr Pazolli was, AND I QUOTE: *“bad and appalling”, “In my view, his behaviour was poor. It was intimidating and threatening, I accept that...”* he had apologised to the staff.

The Magistrate also found, and I QUOTE: *“He had sought medication - is on medication. He has sought counselling.” “He is remorseful. He says it’s not going to happen again. He says that he is no threat to the mayor and I believe him.....In my view he is a person who will be keen not to repeat that sort of behaviour, or anything like it in the future.”*

“I believe what Cr Pazolli said in his evidence about there will be no repetition.”

UNQUOTE.

I trust now all can see why I did not wish to disclose these findings previously.

Based on what I have stated previously, I am happy to continue working with Cr Pazolli on the Council and put the whole matter to rest.

The Mayor advised he was most regretful for the behaviour of the Elected Members during his response.

L Trebse, WinthropQuestion 1

The residents in the Winthrop Park zone are concerned that no community consultation has taken place regarding the proposed installation of floodlights at Winthrop Park.

When will consultation take place?

L Trebse, Winthrop (Continued)Response

His Worship the Mayor responded to the question.

The Mayor advised that discussions with sporting groups regarding the installation of flood lights across the City along with media communication regarding the City's intent to provide additional flood lit areas for increasing sports participation at specific locations has occurred over a number of years. Feedback from the community has been considered and has formed the basis for the development of frequently asked questions to respond to concerns raised about the operations of the lights at this location.

Currently there are 14 of the City's 20 sporting reserves with flood lights installed. With the increasing demand of sports participation it is foreseeable that all sports reserves will need to be flood lit at some time in the future to cater for this demand.

Community consultation or engagement occurs with the community at various levels depending on the community's level of influence on the decision to be made. The community has been kept informed about the proposed installation of floodlights at Winthrop Reserve.

Question 2

By what method will residents be able to voice their concerns?

Response

His Worship the Mayor responded to the question.

The Mayor advised that community members are able to contact the City directly (on 9364 0666 or 1300 635 845) or be kept up to date by visiting the City's website at www.melvillecity.com.au/floodlights

Question 3

By what means will the City of Melville carry out this consultation?

Response

His Worship the Mayor responded to the question.

The Mayor advised that no further formal consultation is planned for the installation of the flood lights, however any community members who have concerns about the future operations of the flood lights are welcome to contact the Community Recreation Team (on 9364 0666 or 1300 635 845).

B Rettinger, BooragoonQuestion 1

Are there any zoning changes planned for either the Worthington Road or Congdon Way neighbourhoods?

Response

The Chief Executive Officer responded:

- The City has presented Community Planning Scheme 6 (CPS6) to the State Government, almost twelve months ago.
- The City is waiting for the advice from the Department to be able to go out for advertising.
- The City believes that this will happen early in the New Year.
- When CPS6 comes out then the City's considerations will be available.
- The City would be seeking comment from the community in relation to those matters.

Question 2

Can Councillors continue to solicit views on issues that affect the community from electors in their areas and if so why can't they express their own view on a particular subject before discussing it with other Council members?

Response

The Chief Executive responded:

- That under Section 2.10 of the Local Government Act 1995 a Councillor facilitates communications between the community and Council.
- It is important to understand the definition of a Council. The Council is Elected Members.
- Councillors' role is to facilitate communication between Elected Members and the community.
- In sitting in a forum, the Chamber, where the decisions are made there is an expectation that Councillors will be judge like. Councillors come to the meeting without any bias and with an open mind and they make their decision after the debate. That is the expectation that would occur.
- In a court of law you would not expect the judge to have a preconceived idea before he/she sat and heard the item and then made a decision. That is the same for our Councillors.
- With planning matters it goes even deeper which is what is called Quasi Judicial. Quasi Judicial means there are Quasi legal processes that follow.
- If the questioner is asking about matters not before Council then of course Councillors can make any statement they wish as long as they do that with an understanding of the Local Government Act 1995, Local Government Regulations, Rules of Conduct and Code of Conduct. There is no restriction in the current Code of Conduct and the reviewed Code of Conduct of Councillors having an opinion.
- It is expected they would potentially lobby, lead and guide communities in processes but if the matter comes or is coming before Council, then it is important to stand back from that process, hear the debate, then with an unbiased and open mind, make a decision.

CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2012/2013

At the conclusion of the written questions His Worship the Mayor called for a mover and seconder to receive the Community Annual Report. 2012/2013.

At 7.11pm Mr C Walkley of Bicton moved, seconded Mr A Bajada of Bicton –

That the Community Annual Report 2012/2013 for the Year Ended 30 June 2013 be received.

At 7.11pm the Mayor submitted the motion which was declared **CARRIED**

His Worship the Mayor invited questions from the meeting attendees.

His Worship the Mayor reminded the Electors of the Manner of Conduct in relation to questions from the floor –

1. Speakers must be Electors of the City of Melville
2. Speakers are asked to clearly give their name and address each time they speak.
3. No persons are to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (8.3 of Standing Orders).
4. All Elected Members and Directors attend this meeting to observe the proceedings and hear comments from Electors. All questions and comments should be directed to the Mayor who may invite a response from the Chief Executive Officer, Presiding Members of Committees, Directors or Elected Members.

C Walkley, BictonQuestion 1

Mr Walkley advised he was surprised that the Special Meeting of Electors to be held on 17 December 2013 did not precede the meeting for tonight for Burke Drive because it said “the proposed Attadale Reserve Footpath Construction Burke Drive between Page Street and Roberts Road be deferred.”

Mr Walkley advised that construction of the path commenced two weeks ago and that he signed the petition three weeks ago or longer and asked what the rules were on how long before it gets to Council and gets published because we are already going to attend another meeting next Tuesday (17 December 2013).

Response

The Chief Executive Officer advised that an Electors meeting is to be held within 35 days from receipt of the request for the meeting.

C Walkley, Bicton (Continued)

An Electors meeting was held on 2 September 2013 prior to the Council Meeting in November 2013. The Council then resolved the matter. During that process another Electors meeting was requested. The City cannot control meeting requests and is required to have another Electors meeting. The Council made a decision on the matter, so the matter proceeds.

J Miller, BooragoonQuestion 1

Mr Miller explained he was part of the Southern Frame Committee in a non executive capacity. He is a landowner in a very sensitive area and it relates to rezoning of Marmion Street which impacts on his back fence.

At the first public meeting somebody asked for an extension of time, we in Colleran Way and Sprigg Place had become aware that on 2 October that our fence line was under attack. We received a very general letter almost a pamphlet suggesting that my property would not be affected. I asked for an extension because I heard about it with only 29 days to go and a question at the first meeting asked for an extension of another 30 days. That was denied because the answer given – that the City was controlled by an Act and the Act was limited to 21 days maximum. Two days later I spoke to some of your staff and they told me it was 21 days minimum. When this injustice was discovered could I ask why an extension was not then circulated or provided to people who had little or no notice?

Response

The Chief Executive Officer responded.

- I don't have the same recollection of the meeting as Mr Miller does.
- The Act does have requirements. They are minimums and we had actually gone beyond the minimum.
- There was a request for an extension. I advised that I would not consider a request until we had actually gone through the process. There were 30 odd days available to make comment and I felt that the community needed to use those 30 days.
- No one came to me afterwards and said there was an issue in relation to time.
- I would have thought the amount of time, approximately nine weeks is ample time to make a submission to the City in relation to the Frame area.
- I said that at the meeting my concern was we were being asked for extensions when people had not used the 30 days that they had available to them.

Mr Miller added a supplementary comment and said "we were of the opinion that it was to be shut down on 31 October. I am confused about your reference to 9 weeks but basically it wasn't 21 maximum it was 21 minimum".

J Miller, Booragoon (Continued)Response

The A/Director Urban Planning responded.

- There are two timeframes.
- A minimum requirement for the advertising but also a maximum time period in which the City was required to deal with the Structure Plan proposal otherwise it would have triggered a potential application for reviews.
- I think the confusion was that there was a minimum period for advertising but overall there was a further time period by which the City was to make a decision on the matter and those two time requirements guided the ultimate determination of the Plan.

The Mayor advised that he did recall from the community meeting that when reference was made to the perceived lack of time that the Chief Executive Officer did offer open access to our officers in order to facilitate anyone that had concerns so that could get the information they needed in time.

A Bajada, BictonQuestion 1

Mr Bajada expressed his anger at the area of Bicton (which he represented as a former Councillor) as part of the Bicton – Attadale Ward that there was a proposal that Bicton and Palmyra be excised from the City. Mr Bajada advised that the History of the City of Melville is very much entrenched in the suburbs of Bicton and Attadale and listed historic sites within those suburbs.

What is being done at the Council end to basically represent the Bicton and Palmyra residents of being allowed to become part of the City of Fremantle?

Question 2

Why have the Ward Councillors of Bicton – Attadale not seemed to have made any reaction or tried to get some community reaction to this? Many have contacted me and asked me why I have not done anything. Mr Bajada advised he did intend to call a Special Electors meeting to bring up this issue and has organised a petition to the State Parliament which he will put out to the community.

Response

The Chief Executive Officer responded.

- The Government provided a blueprint and the City was quite concerned in relation to the blueprint.
- Bicton and Palmyra were included in the original submissions made by the City.
- The City responded to the next Government document on the area.
- The Chief Executive Officer declared an interest advising that he sits on the Local Government Advisory Board (LGAB).
- The Chief Executive Officer advised the City's processes.

A Bajada, Bicton (Continued)

- The City submitted three proposals.
- One was an upload of data so that if there was a boundary change with the City of Canning and Town of East Fremantle that was what we were hoping for in Phase 1. That could be done by uploading data into our systems. The City saw that Phase 1 was an easier process to go through.
- Phase 2 was planned to occur two years later which was the boundary change to the City of Fremantle. The rationale of those approaches was that all of them were boundary changes and meant that the City remained in control of the process. It would not involve the appointment of Commissioners. Commissioners might make different decisions. The phased approach was done to protect the City and to expand the City into a more sustainable outcome. Through the processes the City became concerned that there might have been a changing view in relation to the retention of Fremantle.
- The Mayor and Chief Executive Officer went to see the Minister for clarification. Late in the process, Proposal 3 was put forward. Proposal 3 from the City included extending the boundary of the City East into Willeri Drive picking up all of the suburbs. South into Cockburn including the Jandakot Airport and Bibra Lake area using the railway line and Stock Road as the boundary. Our understanding was that the only way Fremantle was going to be retained is if it was able to get close to a number of 100,000 residents. Those proposals were put to Council and all were adopted unanimously.
- Proposal 3 was a contingency plan to ensure that the City was protected and make sure that in the process we ended up with a more sustainable City. The City is not happy about losing Bicton and Palmyra. It is not our desire and we are currently working on the submission from the State Government that sees Kwinana, Fremantle and Melville creating the bulk of the region with Rockingham unchanged. The City is looking at the mathematics associated with it and trying to understand exactly where that leaves the City.
- The City has spent an enormous amount of money providing the resource called Point Walter. It is the regional park within the City, we are well and truly aware of that fact and the City has recently spent over \$1.3 million on some foreshore restoration. The City's intention in the next phase is to wait for advice from the LGAB of what proposals they are accepting and preparing our submission to the Board. Whether we are successful on that remains to be seen.
- The City has developed a Memorandum of Understanding (MOU) to try and ensure that the processes of reform were managed well and reduce the cost to our resident base. Matters like the appointment of staff, the use of reserves, expenditure, leasing, sale of assets and the like where there would be some agreement. It would seem that Kwinana, Fremantle, East Fremantle and Melville are prepared to sign a MOU. I have been advised by the Cities of both Canning and Cockburn that they are not prepared to sign it and they have taken an aggressive stance in relation to the reform so it is hard for us to get data at this stage to fully understand the impacts moving forward.

His Worship the Mayor asked Cr Taylor-Rees if she wished to respond to the second part of Mr Bajada's question.

A Bajada, Bicton (Continued)

Cr Taylor-Rees responded.

The third option was a contingency plan. It was impressed strongly on Councillors that they support the three options that were presented. Saying that, Cr Barton and I were very disappointed that this was included in Option 3.

It was news to me tonight that there is a presentation or decision making process about to happen to the LGAB to retain some or all of Bicton and Palmyra. I am not aware of this presentation.

The Chief Executive Officer advised that the City is currently working through the matter and advised Cr Taylor-Rees that she will be invited to the meeting. The LGAB will meet with Council and the presentation will be the submission in support of the City's proposals.

L Trebse, WinthropQuestion 1

Mr Trebse asked a question in relation to funding for floodlights and his previous request to defer the funding so that community consultation could take place.

Can I rely on what Mr Todd Cahoon said to me yesterday agreeing that he confirms with me a February meeting with a delegation of residents who live in the Winthrop Park zone to voice their concerns about the installation of floodlights?

Response

The A/Director Community Development advised that there must be discussion with the community when major works take place and agreed to meet with Mr Trebse and the delegation of residents at a date to be negotiated around 15 February 2014.

G Mahony, AttadaleQuestion 1

Dr Mahony asked a question in relation to the Attadale Foreshore pathway. The subject of a Special Meeting of Electors to be held on Tuesday, 17 December 2013.

Dr Mahony wanted to address the issue of other pathways in the Attadale area. Many of these pathways are only 1.8 metre wide and they don't comply with the standards. Dr Mahony identified pathways that were concerning and advised that it was a matter of public safety and requested the pathways be upgraded.

"Does the Council accept that 1.8 metres presents a public safety issue and what actions will the Council take and in what timeframe to address these safety issues?"

G Mahony, Attadale (Continued)

Dr Mahony also referred to the deterioration due to cracking of existing pathways top layer wearing course of 3.3 metre pathway along the Attadale foreshore adjoining the dog pathway and explained if those cracks are not repaired before next winter there will be deterioration of the surface. Sealant is required in the gaps.

Will the Council please repair the pathway before next winter April/May 2014?

Dr Mahony extended seasons greetings and thanks to all particularly Councillors who are involved with the Attadale community, Cr Barton and Cr Taylor-Rees.

The Director Technical Services responded.

- Dual use paths by nature can cause conflict between cyclists and pedestrians and where appropriate the City will ensure that maximum width is achieved.
- There are some occasions where the narrowing of the pathway is unavoidable.
- The Director Technical Services advised he would take on notice the locations where Dr Mahony claimed the pathway is less or at 1.8 metres. If they are of a safety concern the City will review those as part of its renewal program for all of its footpaths.
- The City does have a crack sealing program for the asphalt areas and officers will investigate this location and carry out any maintenance to ensure the safety and longevity of those paths in that area.

The Chief Executive Officer responded.

- The Chief Executive Officer added that the safety standards are not retrospective.
- It is an ongoing issue to allocate funding for maintenance as opposed to providing new paths.
- Consultation with the community where the issues and the pinch points are is critical to ensure our priorities are in the right areas.

Ms E Nicholson, Booragoon

Ms Nicholson raised the matter of the Violence Restraining Order.

Question 1

Is it correct that the Magistrate Smith stated "The Mayor has no reasonable cause to be fearful of Cr Nic Pazolli"?

Question 2

Is it true that Magistrate Smith in his judgement also said that it was annoying, I'm paraphrasing, that Mayor Aubrey could not or would not respond directly to questions asked of him whilst under Oath?

Question 3

Is it true that the Magistrate Smith also said after being on Council for about six years Cr Pazolli has done quite well considering this is the first time that he has lost his temper?

Cr Aubrey called a point of order.

His Worship the Mayor advised this was a personal matter but he would quite happily answer questions from the floor if it relates to his behaviour as the Mayor.

I do have a copy of the Magistrate's reasons for decision here and I would be more than happy to read it all out to you.

Response to Question 1

His Worship the Mayor responded.

That is probably what he has concluded having determined that Cr Pazolli is on medication and taking counselling and was remorseful.

Response to Question 2

His Worship the Mayor responded.

There was a reference that the questions from Cr Pazolli's lawyer were rather broad. I responded by giving a complete answer. I know that the Magistrate felt that I was trying to give too much explanation so I understand that is what this comment relates to.

Then he said that was a bit annoying. It was not in relation to me. It was in relation to my answers being over detailed if you like, because I wanted to make sure that the Magistrate would have a complete understanding of the situation.

Response to Question 3

His Worship the Mayor responded.

This was a conclusion that was drawn by the Magistrate. He said that his (Cr Pazolli's) behaviour was bad and I would suppose for a Councillor you could say it was appalling. That is one aspect of that but then he said that, and I will have to paraphrase it:

"Is it true that he has behaved ok for six years?" The fact is that there were other incidents alluded to during the case which involved door slamming, and slamming down computers.

He said it was a pity that those particular incidents that occurred before were not explored more as part of my case but he did know about two incidents that had occurred.

The Mayor advised that the document is available as a public document.

The Mayor advised the comments of the Magistrate concerning the magnitude of this particular incident.

J Considine, Booragoon, Chair Southern Frame Group

Question 1

In the amendment passed by Council on Monday night 9 December 2013 regarding the Melville City Centre Structure Plan it stated that the Council requests that landowners and residents along Colleran Way, Sprigg Place and surrounding streets be specifically engaged by the City as in the context of the community engagement on the Draft Local Planning Scheme 6. " Can the Mayor please outline to us does this mean the Southern Frame will be specifically engaged by itself or that we will just be part of the basic community engagement for LPS ?. Could you also please clarify the timeframe and the process for this work?"

J Considine, Booragoon, Chair Southern Frame Group

The Chief Executive Officer responded.

Generally with a Town Planning Scheme after the Department of Planning approve it for advertising, the City would go out to the community, show the rezonings and changes proposed in the scheme and the scheme text. The City would have a number of facilitated workshops with the community potentially in affected areas in particular. The question you raise from the recommendation that Council endorsed on Monday night, The recommendation is specific in directing me as the Chief Executive Officer, to ensure that the group in the southern area are engaged. That would be the City's intent. I have to, as a matter of law, implement Council's decisions. Your preparation of your submissions will put you in a very strong position to move forward when submissions are called for.

The A/Director Urban Planning responded.

The City forwarded the Draft Local Planning Scheme No. 6 to the Department of Planning in mid 2011 and since that time, the City has been taking a number of steps to get consent to commence the advertising of that Draft scheme. The City is hopeful that that will occur early in 2014 but we are reliant on first receiving that consent from the Minister for Planning. Once we receive that consent as per Council's resolution, the City intends on engaging with a number of groups. As it has been a long time since the Draft Scheme was prepared there have been a number of issues unfolding throughout those years. The example of the Melville City Centre Structure Plan is one of those. There are a number of stakeholder groups and community groups where we will be focussing engagement. The City can give a commitment that there would be particular attention as per Council's resolution to the Southern Frame Group in relation to the issue discussed on Monday.

Question 2

My understanding for LPS6 is that obviously it is quite a broad document and it is going to be many months of public consultation. In the amendment passed by Council it did mention that it would specifically engaged the Colleran Way people. Surely that's not just part of the LPS 6 because we would get swamped by all the other issues of all the surrounding areas in Melville. In the last meeting when we met with the Director of Planning and the Senior Planner we were told that money had been set aside for the two study areas to be looked at as specific case studies and one of them was Colleran Way and Sprigg Place, "Can you please confirm whether money has been put aside for that project to be undertaken in early 2014?"

The A/Director Urban Planning responded.

The City has set aside funds for the advertising of LPS6 and I would expect that given the importance of the issues that have emerged around Colleran Way, that a proportion of those budgeted funds would be used to explore and engage with the Southern Frame Group to look at solutions as part of the advertising. There will be a number of focus areas within the City. The draft Scheme was prepared a number of years ago and there are a number of areas where additional attention and focus will need to be spent and the Colleran Way area is certainly one of those.

J Considine, Booragoon, Chair Southern Frame Group (Continued)

The Chief Executive Officer responded.

Just for clarification I am getting a sense that maybe there would be a Scheme Amendment for the Southern Frame area. A Scheme Amendment you would probably take 18 months to conclude. The Local Planning Scheme No 6 has been years in its development and getting it through to the Planning Commission in my opinion, would be a much quicker process for you for your group to get the outcomes you desire. A Scheme Amendment would be an 18 month project and you would probably have LPS 6 adopted before then. This would be the best and most opportune time for you to make your submissions. The City will ensure that we invoke the recommendations of Council in the process.

The CEO advised he was happy to meet with Ms Considine and the Planning Officers to discuss the process.

Question 3

I just want to clarify that in the meeting with the Director of Planning and the Senior Planner they were basically talking about having work done on Colleran Way and Sprigg Place as a research project immediately in the new year but prior to CPS6 so that we can keep momentum going with the Southern Frame Group and that research project would then feed into CPS 6 when it was finally advertised because nobody knows when that will actually occur?

The Chief Executive Officer responded.

I understand that if the City is able to do the study before the release of advertising we might be able to put it into the Scheme when it is advertised. The problem with that is whether the Department of Planning would accept any changes to it for advertising.

The City is willing to meet to be very clear on the processes.

The City is interested in making sure that we plan for this City and the Scheme for the next 20 years.

Question 4

Do you think it was appropriate that we were given only nine weeks to consider the structure plan and read up on the planning documentation, form a group, do our own consultation, get in contact with our industry leaders and get a submission to you within 31 days? Do you think that is appropriate and fair for the residents who have that development on their back fence?

J Considine, Booragoon, Chair Southern Frame Group (Continued)

The Chief Executive Officer responded.

Yes I do. It is a Statewide practice for many years.

The Mayor responded.

In order to achieve what your goal was it may not have been sufficient but I think the outcome is the best one in the interests of the City and the residents of Colleran Way at this stage.

B Rettinger, Booragoon

Mr Rettinger prefaced his questions with the following observations.

He wished to address the subject of the Annual Report and in particular page 10.

He identified the resident satisfaction survey in the red areas of consultation, informing the community, involving the community in major decisions and leadership and complaints about traffic.

There is some commonality between four of those five bullet points on the chart.

Mr Rettinger has extensive experience in assisting groups to work as a team and noted the progress the City has made in the identified areas.

Question 1

Has Council considered perhaps going away for a day or two and having an alignment session so that when you come out of that you can act more as a team?

Mr Rettinger noted that it appeared the Council contained numerous leaders competing for "the same space" that supported a public perception of a lack of leadership as a team. He observed that the community measures the Council performance by "outputs and deliverables". He suggested the Council "try and stay out of the press and try to get the work done."

Have you had some alignment sessions and perhaps do you need another one?

His Worship the Mayor responded.

- The Council has gone through some processes over the last two years and we have had a facilitator in to guide us in building a high performing team. That process has been completed.
- I notice the comment concerning consultation, informing the community, involving the community in major decisions are three of the five that you eluded to.
- The community perception is often affected by newspaper articles.
- The City of Melville received an award in Public Participation as the Australian winner for best practice.

B Rettinger, Booragoon (Continued)

The Chief Executive Officer responded.

- A local government has two functions. One as a community service and the other as an authority with statutory requirements to enforce.
- The City has been a leader in customer service practices judged by the Customer Service Institute of Australia.
- Where community expectations change, it may mean dissatisfaction that is not a lowering of standards, but a raised expectation of service.
- The City grapples with issues of ongoing cultural change and how decisions made today will affect the community in 40 to 60 years. This is a difficult area for all local governments.
- The City has set up a centre of excellence in stakeholder management and continually reviews all associated processes and outcomes of each event.
- The CEO provided an example from an earlier question on flood lighting reserves and the issues generated by competing interests. This example exposed the difficulty of a local government to meet all expectations from the community.
- The CEO advised that while the City had established strong processes, there was still a need for ongoing improvement.

Mr Rettinger commented further -

He complimented the City on its accomplishments on behalf of electors and noted a low number of attendees to the meeting.

He observed that communication is both formal and informal. Informal communication is a means of resolving dissimilar views on matters.

N Williams, Mt PleasantQuestion 1

Mr Williams raised a safety issue advising of the uncontrolled hooning of traffic throughout the Ardross, Applecross Mount Pleasant Ward and drew particular attention to Reynolds and Moolyeen Roads which carry traffic from Leach Highway to Canning Highway. Mr Williams advised the roads carry more traffic beyond their ability particularly at peak times.

Out of peak times is when the hooning takes place. The location between Cranford Avenue and Gibson Street is particularly bad because of general topography involved with sweeping bends, lake, steep hills and blind spots for stakeholders coming in and out of their driveway. Residents can't safely access or egress their own homes and this traffic appears quickly. Mr Williams advised the problem goes back in time to when Cr Bajada was on Council and it has been brought up tonight to get some solution.

N Williams, Mt Pleasant (Continued)Response

The Chief Executive Officer responded.

- The City is responsible for creating roads that are safe at the appropriate speeds.
- Hooning and poor driver behaviour are police matters. Mr Williams was invited to meet with the Chief Executive Officer and Director Technical Services to consider the locations mentioned. Should there be an issue with the City's infrastructure, then measures would be found to rectify the issue.

The Director Technical Services responded.

- The Director advised he had met with Mr Williams last week on Reynolds Road.
- Traffic speeds will be reviewed by a traffic count to be conducted. This will measure the volume and speed of traffic.
- It is difficult to design out hooning when designing a road network. Residents should obtain details of registration numbers of offending vehicles if possible, and report the incident to police.
- If the traffic count data suggests that there is a problem with speeding the City will notify the police.

Mr J Miller, BooragoonQuestion 1

Mr Miller advised that he posed a question to the Council a couple of weeks ago on the Probity Advisory Group and the City provided an answer. The City gave Mr Miller the composition of the group.

As a ratepayer am I permitted to know by name the representative from the West Australian Local Government Association? I am not interested in any other name. Am I allowed to have that name? I am curious as to what Council area he may have been drawn from?

Response

The Chief Executive Officer responded.

It is not from a Council location it will be a professional planner within WALGA. The question was taken on notice and the information will be provided to Mr Miller by the Executive Manager Legal Services.

Mr C Walkley, Bicton

Mr Walkley thanked the Council and staff on behalf of the community for their hard work and contribution to the City and its residents.

On behalf of the Elected Members and Staff of the City of Melville, His Worship the Mayor thanked everyone for their attendance and wished everyone a Merry Christmas and a Happy and safe New Year.

10. CLOSURE

There being no further business, His Worship the Mayor, R Aubrey, declared the Meeting closed at 8.30pm.