

MINUTES

OF THE

ANNUAL GENERAL MEETING OF ELECTORS

HELD IN THE

CONFERENCE ROOM, MELVILLE CIVIC CENTRE

AT 6.30PM ON

WEDNESDAY, 6 DECEMBER 2017



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 6 DECEMBER 2017.

1. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr M Woodall (Deputy Mayor)
Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins
Cr G Wieland, Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

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

2. IN ATTENDANCE

Dr S Silcox
Mr M Tieleman
Ms Christine Young
Mr S Cope
Mr J Bird
Mr L Hitchcock

Ms K Johnson

Ms L Hartill
Mr B Dawkins
Mr T Cahoon
Mr B Taylor
Mr M Duncan

Mr M Murphy
Mr S Wachter

Mr G Ponton
Mr P Prendergast
Mr T Capobianco

Ms J Arbel
Mr E Gould
Mr J Clark
Mr N Fimmano
Ms C Newman
Ms S Williams

Chief Executive Officer
Director Corporate Services
Director Community Development
Director Urban Planning
A/Director Technical Services
Executive Manager Governance and
Legal Services
Executive Manager Organisational
Development
Manager Neighbourhood Development
Manager Neighbourhood Amenity
Manager Healthy Melville
Manager Financial Services
Manager Information and
Communications Technology
Manager City Buildings
Manager Recourse Recovery and
Waste
Manager Strategic Urban Planning
Manager Statutory Planning
Manager Building and Environmental
Health
Strategic Communication Advisor
Digital Communications Advisor
Governance and Compliance Advisor
Property Coordinator
Governance Coordinator
Governance Officer

Additional Staff in Attendance

Mr W Thornton
Mrs C Day
Ms S Courtney
Mr J Rae
Ms L Epis
Ms D Olds

Civic Facilities Coordinator
Coordinator Cultural Development
Marketing Officer
Strategic Land & Property Executive
Civic Facilities Officer
Assistant Accountant

At the commencement of the meeting there were 156 Electors of the City of Melville and no members of the press in attendance.

3. APOLOGIES

Nil.

4. LEAVE OF ABSENCE

Nil.

5. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS

His Worship the Mayor, R Aubrey, introduced individual Elected Members and Senior Staff to 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, 18 November 2017 and the Melville Times Community Newspaper on Tuesday, 21 November 2017, in addition to being displayed on public notice boards at all the City of Melville libraries, the Civic Centre and the City's website. The notice read:

“Annual General Meeting of Electors

Electors are invited to the Annual General Meeting of Electors to be held on **Wednesday, 6 December 2017** 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 2016-2017 for the year ended 30 June 2017.
2. General Business

Elected Members and staff welcome your questions regarding the City of Melville, the Community Annual Report 2016-2017 or any matter relating to the Notice of Meeting. A question form can be obtained from www.melvillecity.com.au/agm2017 or 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 Wednesday, 29 November 2017**.

Copies of the Community Annual Report 2016-2017 will be available on the City of Melville website from Friday 24 November 2017 and printed copies from Friday 1 December 2017 at the Melville Civic Centre and all City of Melville Libraries.

Steve Cope
A/Chief Executive Officer”

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 Electors present (*Local Government (Administration) Regulations 1996 Regulation 17*)
10. No persons are to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (9.16 and 10.7 of Meeting Procedures).
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.

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

8. PRESENTATION OF CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2016-2017 INCLUDING FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2017.

His Worship the Mayor advised that copies of the City of Melville Community Annual Report 2016-2017 were available, had been circulated and had been available on request from City of Melville, libraries and the City's website.

CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2016-2017

His Worship the Mayor called for a mover and seconder to receive the Community Annual Report 2016-2017.

At 6:41pm moved Mr E Nielsen of Booragoon, seconded Mr B Don of Willagee –

That the Community Annual Report 2016-2017 for the Year Ended 30 June 2017 be received.

At 6:42pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY

9. GENERAL BUSINESS

The Governance and Compliance Advisor read out questions that were received in writing prior to the meeting and the responses were provided by Mayor Aubrey.

9.1 Ms M Sandford, Applecross

Question 1

Does the Council consider that Patricia Phelan's post on Melville Community Chat that: "The AGM usually attracts citizens who purport to represent your interests (even if they don't) and have an axe to grind against the City and Council. Do you really want these people voicing their opinions on your behalf?" is in keeping with clause 1.4.6 of the City's Code of Conduct for Elected Members, which requires that she: "treat people with respect, courtesy and sensitivity and recognize their interests, rights and welfare?"; or does the Council consider that post is disrespectful to attendees of AGMs?

Response

The comment by Councillor Phelan appears to encourage residents and electors to attend the General Meeting of Electors to ensure their interests and any questions are heard by the Council. All residents and electors may ask questions at the Meeting.

9.2 Mr C Ross, Applecross

Background

My questions are to the Mayor and CEO and I request that the questions and background be read out in full at the AGM and I intend to pass on the City's response to the Department Enquiry.

Question 1

My question relates to the Enquiry (sic) into the City of Melville and the costs associated with that enquiry (sic). On 16 October 2017 the Minister the Hon David Templeman advised the Legislative Committee that the City of Melville CEO had been advised to appoint an independent person to deal with complaints. That advice was provided to the CEO prior to the Minister's letter to the Legislative Committee. On 21 November 2017 I received a letter from the City's Mr Jeff Clark advising that should I wish to lodge a complaint that complaint would be reviewed by the City's internal ombudsman, who is the person who has been dealing with the City's complaints over the last three years. It is therefore apparent the City has not followed the Minister's advice and that the City's failure to follow the Minister's advice has forced the Department to take this action which is now going to impose costs on the Community. It also seems apparent from the Mayor's public comments that he has dismissed every single complaints (sic) as malicious, and even the most biased amongst the community can see that the probability of that being correct is in the ranges of impossibility. Given the Mayor and CEO's obvious bias against all complaints how can the Community have any confidence that complaints will be investigated by the City objectively and without pre-conceived views and will the City appoint an independent person?

Response

The City has not received any Departmental or Ministerial correspondence to deal with complaints from the public differently, and will continue to do so as per established practice with oversight by the relevant external review agencies e.g. The Department of Local Government, Sport and Cultural Industries, The Ombudsman, The Office of the Commissioner of Information, The Public Sector Commission, The Corruption and Crime Commission and The Building Commission.

Question 2

Does the Mayor intend to continue his antagonistic and arrogant public comments, or will he understand that as the elected representative of the community he has a duty to co-operate fully with the enquiry and not make public statements that are designed to undermine the enquiry and the motivation for the enquiry?

Response

As previously indicated the Council (which includes me) and the City's administration will continue to co-operate with the Department of Local Government, Sport and Cultural Industries Authorised Persons as the Inquiry proceeds.

9.3 Mr E Nielsen, Booragoon

Background

During this year the City embarked on a most unusual method of handling questions submitted for Question Time at meetings. For example, at the OMC 18 July 2017 (in the presence of Mr Templeman, Minister for Local Government and Ms Lisa O'Malley, Member for Bicton and their staff) the Presiding Member Mayor Mr Russell Aubrey allowed 8 of my 15 questions to be ignored and not be dealt with as prescribed under Section 5.24 (Act) and Regulation 7. These questions were left out, not even mentioned leaving it for the City's administration to respond to. These questions were for the Elected Members on a matter related to their responsibility for overseeing and ensuring that Council decisions are implemented (Section 5.41(c), refers) or at least to ensure an attempt has been made to do so.

The responses received from 'administration' via letter are not only of concern but our Elected Members have not been provided with a copy nor are they Minuted.

Question 1

For how much longer are we the electors and residents, going to be subjected to this impropriety?

Response

The questions that are answered by the Administration are those of an operational nature that cannot be answered by the Council. Responses are provided to the questioner by administration and form part of the records of the City as per the State Records Act.

Question 2

What steps are our Elected Members (not officers and staff) going to take to rectify this very concerning irregularity?

Response

The Council has not identified any irregularities in the process of answering questions. However the Council has asked for a review of the Question Time Policy to identify if there are improvements that can be made.

Question 3

Why is the City still using the same response when this QS report is incomplete?

Response

The QS Preliminary Estimates report provided to the Council was complete with preliminary costings. The Freedom of Information document that was provided to the questioner showed redacted figures due to the commercial in confidence nature of the QS report. These figures cannot be disclosed to the public as they could then be used to influence any tender process. As stated earlier, Elected Members were provided with the full figures under confidential cover.

9.3 Mr E Nielsen, Booragoon - continuedQuestion 4

In addition to the above, the responses to my Q2 and Q3 are very concerning. As I have highlighted there are insufficient details available for any reasonable or true cost to be established for this proposed project. I am still being told that the Elected Members have been provided with a more detailed costing. This is not the case as we are all working from the same documents so how can the City suggest there are sufficient details to justify to the Elected Members the proposed project will cost \$9.4m?

Response

Refer to the answer to question 3.

9.4 Mr M Rowles, Bull CreekBackground

Bob Gordon Reserve - Bull Creek

A major playspace development is planned for the reserve. Following a recent survey 40% of Bull Creek residents that responded indicated that the development is not supported at all is supported but with amendments.

If the development proceeds there will be a significant increase in the number of people visiting the reserve.

Several homes back onto the reserve, including my own. The provision of appropriate resources and facilities is essential to preserve some element of privacy and security for local residents.

My back fence is only chest height and provides easy access to and from the reserve. Should the development proceed it will be essential that the plans provide for replacement of existing fences with a more appropriate wall that provides better security, privacy and sound reduction and lockable access to the reserve.

Question 1

Please advise me, and other residents that adjoin the park, advice as to what resources and services will be provided with regard to privacy, security and sound reduction?

Response

During the consultation phase there were a number of issues raised by the community regarding the original concept design, one of these was the proximity of the playground to adjacent homes and increased pedestrian traffic. To address these concerns the following changes to the concept design were made;

- Playspace and bbq areas are an increased distance from surrounding residences;
- Playspace has been fenced to contain children playing on equipment;
- Wheeled play elements have been reduced and relocated closer to the BMX track.
- Ball play has been renewed at current location north of tennis club instead of within the main park space;
- Path network has been moved north, away from southern residences.

- Toilets are to the north of the playground well away from houses and the scout hall.
- 9.4 Mr M Rowles, Bull Creek - continued**

Response Continued

The revised concept plan has been developed to minimise any disruption to surrounding residents, no specific privacy or additional security services have been allocated to the project at this stage.

**9.5 Mr M McLerie, Booragoon
(On behalf of City of Melville Residents and Ratepayers Association (Inc))**

Question 1

On 26 November the Association submitted questions to Council for the 28 November Agenda Briefing Forum in relation to item M17/5579 – Internal Audit Report – Costs of Responding to questions and issues raised by a group of ten entities (“the terrible ten”). Mayor Aubrey stated at the beginning of the meeting that no questions to Council had been received and proceeded to take questions, that were along the lines of the Association’s questions, from numerous Councillors. Why did Mayor Aubrey not accept the Association’s questions and why do they remain unanswered? Please answer them at the AGM.

Response

There is no audit report that has included in its title or content (“the terrible ten”). The questions asked were operational in nature and will be responded to by Administration in accordance with current practice.

Question 2

On Wednesday 29 November and Sunday 3 December WAMN interviewed Mayor Aubrey. The 3 December interview ran the headline “After the State Government announced a parliamentary inquiry into the City of Melville Mayor Russell Aubrey has expressed concerns that Lisa O’Malley’s involvement may be biased.”

In the 29 November interview Mayor Aubrey stated, amongst other things:

“This morning we had discussions with officers from his [sic Minister Templeman’s) Department”

“300 in this period, most of them from 1 or 2 sources”

“We [sic the City] should embrace and be pleased with what is happening. It has been a request from our CEO in order to take some action in order to relive pressure on staff and to create a safer workplace”

“what can be put into the act in order to protect local governments, not just the City of Melville, but local governments generally against this sort of attack from minority groups that seem to have a political affiliation”

“they are not 300 complaints from individuals they are 300 complaints from a small group of people; a relatively small group of people, so we can say that about half of those complaints come from just 2 or 3 people”

9.5 Mr M McLerie, Booragoon - continued

In the 3 December interview, Mayor Aubrey was asked “300 complaints, that is a lot of complaints to come from such a small group” to which Mayor Aubrey made statements including:

“Most of them are absolutely trivial and insignificant everyone has been forwarded to me for investigation has proven to be, in fact, not warranting complaint whatsoever. “At the end of the day there will be no significant findings against the City”

2.1 *Given the Mayor would likely have received a copy of the Department of Local Government Director General’s Authorisation of the inquiry, that should have identified the Departments officers responsible for the inquiry; why did the Mayor undertake the 3 December interview on the basis that the Minister had announced a parliamentary inquiry to express concerns about Lisa O’Malley’s potential active involvement in the parliamentary inquiry.*

Response

The City is yet to receive guidance from the Department of Local Government, Sport and Cultural Industries regarding the protocols of the Inquiry. I made these comments with respect to the fact that Lisa O’Malley MLA Member for Bicton was a Councillor during the period covered by the Inquiry.

2.2 *Mayor Aubrey stated that the CEO asked for the inquiry; exactly when, and to whom, did the CEO ask for the Department of Local Government to initiate the inquiry.*

Response

The CEO did not ask for the Inquiry. The CEO has on a number of occasions requested assistance from the Department and other State oversight agencies with creating a safe workplace and various other administrative issues.

2.3 *How does Mayor Aubrey know the detail of the 300 complaints; when did the Department of Local Government provide a copy of a list of the 300 complaints.*

Response

I do not know the details of the 300 complaints however my comments reflect in my opinion the varied information that was available at the time and I quote from the Ministers letter dated 16 October 2017 I quote “since 2013, the Department has received more than 200 informal complaints regarding the City. Of this total more than 100 were submitted by just 2 individuals.”

Subsequent to that the Minister indicated in a press release dated 29 November 2019 and I quote “that almost 300 complaints have been made against the City of Melville in Perth since 2014.”

I, and I’m sure the Council and the City would welcome receiving details of the “informal” complaints made against the City.

9.5 Mr M McLerie, Booragoon – continued

- 2.4 *If the Mayor has not seen the list of the 300 complaints on what basis has he deemed them “trivial and insignificant” and determine that that around half are from “2 or 3 people”.*

Response

Neither I nor the Administration is aware of any serious complaints or any complaints that have been upheld by the external review agencies against the City of Melville. Even the Minister has referred to these as informal complaints in his letter to the Chair of the Standing Committee on the Environment and Public Affairs of the Legislative Council dated 16 October 2017.

- 2.5 *How many complaints have been received by the Mayor and/or Council in every year since 2014? How many were in relation to the CEO’s conduct.*

Response

As noted earlier the City does not have the details of the 200-300 complaints referred to by the Minister. To date the City is not aware of any substantiated complaint in relation to an employee.

- 2.6 *How many of the complaints received by Council since 2014 related to the CEO and his direct reports.*

Response

As noted earlier the City does not have the details of the 200-300 complaints referred to by the Minister. To date the City is not aware of any substantiated complaint in relation to an employee.

- 2.7 *How many complaints have been thoroughly reviewed by the Mayor himself?*

Response

The Mayor is unaware of the details of the 200-300 complaints referred to by the Minister and therefore is unsure if he has reviewed any the complaints referred to by the Department.

9.5 Mr M McLerie, Booragoon – continued

2.8 *Of the 300 complaints how many are related to such things as:*

- a) *Council's failure to answer questions put to appropriately, if at all,*
- b) *Excessive advertising in support of Roe 8*
- c) *Melville Bowling Club relocation*
- d) *Mt Pleasant Bowling Club relocation*
- e) *Canning Bridge activity plan,*
- f) *Bridges Road Melville, Strikers or other apartment block developments*
- g) *Failure to perform the City's Building Act functions properly and proficient*
- h) *Failure to perform other functions;*
- i) *Failure to comply with the local government act, including failure to notify adversely affected residents of their rights or review.*
- j) *Failure of the City's processes and procedures*
- k) *Shonky pool fence inspections*
- l) *The Wave Park ground lease and proposed development*
- m) *Failure to properly investigate allegations of bullying and sexual harassment within the City's workplace.*
- n) *Inappropriate conduct and/or nonfeasance of the CEO*
- o) *Inappropriate conduct and/or nonfeasance of the CEO's direct reports*
- p) *Inappropriate conduct of other City officers*
- q) *Inappropriate conduct of Councillors*
- r) *Any others?*

Response

As noted earlier the City does not have the details of the 200-300 complaints referred to by the Minister.

2.9 *The Mayor has stated that the complaints are, in effect, an "attack from minority groups that seem to have a political affiliation". Which political groups does Mayor believe are behind the complaints; how many, by year from, including;*

- a) *Liberal or National*
- b) *Greens*
- c) *Labour*
- d) *Independents*
- e) *The Julie Matheson*
- f) *One Nation*
- g) *Any others*

Response

Some ratepayer and action groups that have lodged a number of complaints with the City appear to have affiliated themselves politically by openly stating that they are supporting candidates in State and Local Government elections.

9.6 Mr J Wedgewood, PalmyraBackground

The Melville Residents and Ratepayers Association (MRRA) has acted in opposition to all major decisions of the City whilst failing to support the successes of the City's Mayor, elected members and staff. The MRRA has brought itself into disrepute through supporting its President in maliciously damaging the city's precious foreshore vegetation.

Question 1

What is the cost to the ratepayers of the City for dealing with questions and complaints from Mr Crawford, Mr McLerie and other MRRA members over the last 18 months?

Response

Refer to Council Item M17/5779-Internal Audit Report Cost of Responding to Issues and Questions of Ten Entities. The Report identifies a conservative \$178,000 cost for the total of the ten entities.

Question 2

What has been the benefit of these questions and complaints to the rate payers of the City?

Response

This is a question for the complainants but to date the City can't see any benefit.

Question 3

Has the MRRA aligned itself with any individuals involved in the recent local government election?

Response

This is a question for the CoMRRA (Inc).

Question 4

Mr Crawford, the President of the MRRA states that he feels no guilt for the damage he inflicted on the foreshore vegetation or the cost to the City of Melville Community.

Response

The Statement is noted.

Question 5

Will Mr Crawford please inform us whether he intends doing damage again to the foreshore and whether he has the support of the MRRA in his actions?

9.6 Mr J Wedgewood, Palmyra - continuedResponse

This is a question for the Executive of the CoMRRRA (Inc) who the City understands is represented by Mr Crawford (President) Mr Syed (Vice President), Mr McLerie (Secretary), and Mr Waugh (Treasurer).

Question 6

Mr Crawford got off lightly with a spent conviction because he only admitted removing sedges but not poisoning plants with Glyphosate, only admitting spraying food dye on the plants. Will Mr Crawford and the City confirm the Police searched Mr Crawford's property and found Glyphosate?

Response

This question should be directed to the Police. The City can confirm that tests on the plants submitted to the relevant testing authority confirmed that Glyphosate was the product used in the poisoning of the plants.

Question 7

Will Mr Crawford please explain why he chose to spray food colouring on the foreshore trees at 5 am in the morning?

Response

This question should be directed to Mr Crawford.

In the event that Mr Crawford is not present or refuses to answer question 2, I ask that question 2 to be moved to 'lay on the table' until he is available to answer it in public.

These questions should be directed to the Mr Crawford or the CoMRRRA (Inc).

9.7 Ms V Robertson, PalmyraQuestion 1

The Alfred Cove Action Group (ACAG) has attempted to interrupt the City's due process in allowing for a full and professional analysis of the proposal for a Wave Park at Tompkins Park. Has Mr Maynier, the President of the ACAG apologised to the City or the Officer involved for outrageous false accusations against the officer and the City that caused such distress of all involved?

Response

No apology has been received by the City or Officers.

9.7 Ms V Robertson, Palmyra - continuedQuestion 2

Following the discovery of Mrs Maynier's destruction of foreshore vegetation can the City please inform the Melville Community the following:

- a) *At what time of the day or night did the malicious damage by Helen Maynier take place?*

Response

The City understands it was some time in the very early morning.

- b) *Was there evidence Mrs Maynier only removed 'weed'?*

Response

The plant specimen received and tested was confirmed as a native plant.

- c) *Has ACAG denounced the actions by the President's wife?*

Response

This is a question for the ACAG.

- d) *What is the cost to the ratepayers of the City due to the damage to the vegetation on the Alfred Cove foreshore?*

Response

Apart from loss of biodiversity and natural amenity the City cannot quantify the cost of the damage caused by Mrs Maynier. The City can confirm that the damage done on the Alfred Cove foreshore is in excess of \$70,000 over the last 2-3 years.

- e) *What is the cost to the ratepayers of the City conducting the electors meetings called by the members of ACAG?*

Response

The City cannot quantify all costs of the Special Meetings of Electors but by way of example the cost of the Special Meeting of Electors on 15 March 2017 at the Mt Pleasant Baptist College was in excess of \$10,000.

- f) *What is the cost to the ratepayers of the City associated with in responding to complaints and questions from members of the ACAG?*

Response

Refer to Council Item M17/5779-Internal Audit Report Cost of Responding to Issues and Questions of Ten Entities. The Report identifies a conservative \$178,000 cost for the total of the ten entities.

9.7 Ms V Robertson, Palmyra - continued

- g) *What is the cost of the inquiry currently being conducted into the City because of these complaints and who will pay for it?*

Response

Costs are unknown at this stage. The costs of responding to the Inquiry will be borne by the City i.e. its ratepayers.

At 7.15pm His Worship the Mayor invited questions from the meeting attendees.

9.8 Mr K Kelers, Applecross

Mr Kelers referred to issues surrounding the current inquiry into the City, the recent Local Government and election and Wave park development.

Question 1

Will it take the next election or the ministerial investigation results to convince the CEO and the Council they are working against the wishes of the electorate and Local Government principles?

Response

The Chief Executive Officer advised that the statement regarding the requirements of the inquiry is incorrect.

In relation to the Wave Park issues, the City must, and has gone through legislative processes as appropriate and the Council has made determinations in relation to those matters. These matters are now before the State to determine whether it goes forward.

9.9 Mr R Kronberger, Applecross

Mr Kronberger stated that the Wave Park meeting held in December discussed an unsolicited offer. The letter stated that following a discussion the Council invited the Wave Park Group Pty Ltd to make an offer. How does that still become an unsolicited offer?

Following that offer, the Council undertook an extensive due diligence report by Price Waterhouse Cooper containing substantial warnings about the limited capitalization of the company, Wave Park Group Pty Ltd, and indicated there were risks with the City proceeding with such an inexperienced, low capitalized company that had never built, operated or managed such a scheme.

On the 5 December 2016 the CEO wrote to resident/occupiers with an update regarding the proposal.

9.9 Mr R Kronberger, Applecross – continued

At the Special Meeting of Council held 28 November 2016 Council approved the proposal by Wave Park Group Pty Ltd and business case be advertised in accordance, which occurred. Following 5 December 2016 correspondence, the developer interposed a \$100 shelf company to take over the lease, the Council then went ahead with the lease with no further business plans, meetings or investigation. Why is this not a new investigation which requires consideration under the Local Government Act?

Response

The Executive Manager Governance and Legal Services advised that the City did not invite the bid from Wave Park Group Pty, it was an unsolicited bid.

It is important to note that the Price Waterhouse Cooper report was commissioned prior to engaging in the terms of the lease with the Wave Park Group, which is best practice. The warnings that are enunciated in such a report are the very warnings that are used to inform the drafters of the lease clauses.

It can be seen that the provisions of the lease protect the City of any financial loss as a result of any potential problem that the Wave Park Group might encounter financially. That is stated in the lease to ensure the business plan as is provided for in the Local Government Act, it is not a plan for the Wave Park, it is a business plan for the City who will engage with a third party entity for a lease arrangement, that business plan must refer to the provisions the City needs to incorporate into a lease to protect its financial interests.

This is not a new transaction with new parties and correspondence has been circulated detailing this information, a copy of this correspondence would be made available to Mr Kronberger.

Mr L Hitchcock invited Mr Kronberger to meet with him to fully discuss the process to date and the development of the lease clauses in detail.

Question 2

Section 3.59 of Local Government Act is that there is no cost to Local Government in the process. In the lease, there is a provision for the company will be compensated for up to \$200,000 by ratepayers for decontaminating the site. How does that fit in with no cost to the Local Government?

Response

The Executive Manager Governance and Legal Services advised that Section 3.59 of the Act provides direction about engaging with the community when undertaking a major business transaction. The \$200,000 referred to is part of the business arrangement and not an exempt transaction. This is not a new transaction with new parties and correspondence has been circulated detailing this information, a copy of this correspondence would be made available to Mr Kronberger.

Mr L Hitchcock again invited Mr Kronberger to meet with him to fully discuss the process to date and the development of the lease clauses in detail.

9.9 Mr R Kronberger, Applecross – continuedQuestion 3

One of the Regulations is that the City must notify the ratepayers of who the Lessee is to be. Where is the notice to ratepayers that Urban Surf Pty Ltd, not Wave Park Group Pty Ltd, is to be the Lessee. Is this a completely new transaction with new parties?

Response

This is not a new transaction with new parties and correspondence has been circulated detailing this information, a copy of this correspondence would be made available to Mr Kronberger.

Question 4

In lease there is a sketch plan shown the lease area, there are pathways and roadways going onto Atwell House. Why has the Atwell House land has been included in the sketched planned for the developments site?

Response

The Executive Manager Governance and Legal Services confirmed that the lease land does not go onto Atwell House Land, nor does it show this in the sketches.

Question 5

The North West corner Wireless Hill, near Doney Street exit is being surveyed. It has been said that this is to be an a approved access from Canning Hwy to remove traffic from the Wave Park, does the Council know anything about this?

Response

The Mayor advised that the City has no knowledge of surveying happening at this location. The Chief Executive Officer took this question on notice and will provide further information.

9.10 Ms M Curtis, Bull CreekQuestion 1

Ms Curtis asked if the Council will continue to support democracy in Melville and will the Council continue to provide support to the community through Cr Robartson for the development of Bull Creek in a structured manner?

Response

The Mayor stated the City of Melville has always supported democracy and will continue to work with the community to support development in a structured manner.

9.11 Mr L Rowe, Applecross

Mr Rowe referred to sections of the Wave Park lease regarding plans and approvals of the development and questioned:

Question 1

What process will the lessor adopt to fulfil requirements under clause 9.2.3? What role will Councillors play in the process and will there be opportunity for public consultation?

Response

The Executive Manager Governance and Legal Services advised that once a development application with plans is submitted to West Australian Planning Commission, it will likely be referred to the City to comment.

The procedure, is a procedure outside of statutory procedures, it is a contractual arrangement in the lease. The lessor, through officers will assess and report back to Council in a technical nature. It is not a matter open for public comment. If there is public comment it will be driven by the Planning Commission.

9.12 Mr P Crothers, ApplecrossQuestion

Mr Crothers raised concerns of a situation regarding pool inspections and compliance at his property. The pool fence has been deemed compliant in the past, however recently the pool fence and doors were deemed no to be compliant.

Mr Crothers went on to inform the Council of his concerns with sewage being pumped into the Swan River.

Response

The Director Urban Planning advised Mr Crothers he is aware of pool compliance issues and would be available to discuss this and any other concerns in more detail after the meeting.

9.13 Ms M Warburton, PalmyraQuestion

Why does the City persist in referring to Wave Park as unsolicited proposal, when it appears that the City has been in discussions with the Wave Park Group for some time before this?

Response

The Executive Manager Governance and Legal Services advised that whilst discussions had been held with Wave Park Group Pty Ltd much earlier, these had ceased. When planning for the sports hub at Tompkins Park, the City was approached again by Wave Park Pty Ltd. The City did not approach the Wave Park Group at any point.

9.14 Mr R Willis, Bull Creek

Mr Willis referred to a Council resolution from 16 July 2014 regarding developments at John Connell Reserve.

Question

Could electors be given an update on any progress with this matter?

Response

The Chief Executive Officer advised that discussions regarding site developments have taken place with LandCorp and State Government. LandCorp have been undertaking due diligence on the matter and are looking to proceed. A presentation will be made to the Council on 19 December 2017 and the Council will make a further decision in relation to the matter.

At 7:46pm the Mr M Tieleman left the meeting and returned at 8:40pm.

9.15 Ms J Edinger, MelvilleQuestion

A Facebook page set up titled 'Melville Community Chat' has been set up, and questioned the authenticity of this page. I would like to know whether the Mayor was involved in the creation of the page, adding of members and whether he knows Jamie Kracker?

Response

The Mayor advised he had no involvement with the set up of the page and had added members at the request of Jamie Kracker.

9.16 Mrs C Kelers, Alfred CoveQuestion

Have any of the Council or staff dined with Andrew Ross in the past four years? If so, who did so and what was the purpose for such meetings?

Response

The Mayor responded by advising that Mr Ross may have dined at the City prior to an Elected Members Information Session and that if an Elected Member or staff member had dined with Mr Ross for any other purpose, this would be declared in the City's Gift Register.

9.17 Mr R Willis, Bull Creek

Mr Willis referred to previous questions to Council regarding issues related to an increase in mosquitos in the area.

Question

Is Council monitoring and taking action to kill mosquitos?

Response

The Director Urban Planning advised that the City does have a mosquito program and can provide Mr Willis with further information on this. Information is also available on the Department of Health website that may be helpful.

9.18 Mr R Kronberger, ApplecrossQuestion 1

Mr Kronberger referred to the Contaminate Site Regulations and questioned if a Form 6 and full details of contamination were provided to the Lessor within the 14 day time frame as required.

Response

This question was taken on notice.

Question 2

Will the council give an assurance that if the Wave Park does not proceed, or fails, that the area will not be made available for residential development?

Response

The Mayor advised that he was unable to predict future decisions of the Council.

MOTIONS - MR A BAJADA, BICTON**Motion 1**

At 8.02pm moved Mr A Bajada of Bicton, seconded Mr G Jackson of Attadale -

The electors of the CITY OF MELVILLE:

- 1 Request that Minister for Local Government fully outline the terms of reference of the proposed department inquiry and fully outline the basis of the nature of the alleged complaints.**
- 2 Further to the above, the electors request that all costs of the inquiry be at the department's expense.**

At 8.03pm the motion was declared

LOST (40/58)

Motion 2

At 8:13pm moved Mr A Bajada of Bicton, seconded Mr A Belotti of Attadale -

The electors of the CITY OF MELVILLE strongly condemn the proposed rezoning of the Roe 8 Reserve by the State Government thereby reducing future road traffic options for the City of Melville and requests that the Council take every legal measure to prevent this rezoning.

At 8:20pm the motion was declared

LOST

Motion 3

At 8:21pm moved Mr A Bajada of Bicton, seconded Mr Cuttone of Mount Pleasant -

The electors of the CITY OF MELVILLE strongly endorse the efforts and performance carried out by the CEO, Staff and elected members at the City of Melville. The electors also congratulate the City on achieving the Business Excellence Prize which reflects the level of performance achieved.

At 8:32pm the motion was declared

LOST

At 8:24pm Cr Woodall left the meeting and returned at 8:28pm.

At 8:33pm Mr J Bird left the meeting and returned at 8:36pm.

**MOTION - CITY OF MELVILLE RESIDENTS & RATEPAYERS ASSOCIATION (INC.)
Represented by Mr M McLerie, Booragoon**

At 8:33pm Mr M McLerie of Booragoon moved, seconded Mr M Charlton of Melville -

Council to amend and/or adopt policies that have the effect of:

- 1 Providing the public unrestricted access to any Council meeting audio recordings free of charge; and to**
- 2 Enabling live streaming of the meetings via the City's website to enable members of the public to listen to proceeding remotely; and**
- 3 Accessing copies of meeting audio recordings via the City's web page on the City's website for future consumption by members of the public.**

At 8:38pm the Mayor called for a show of hands for and against an extension of time for Mr M McLerie to continue to speak for the motion.

CARRIED

Motion 4

Council to amend and/or adopt policies that have the effect of:

- 1 Providing the public unrestricted access to any Council meeting audio recordings free of charge; and to**
- 2 Enabling live streaming of the meetings via the City's website to enable members of the public to listen to proceeding remotely; and**
- 3 Accessing copies of meeting audio recordings via the City's web page on the City's website for future consumption by members of the public.**

At 8:42pm the motion was declared

CARRIED

MOTION – MR IAN RICE, WINTHROP

A 8:43pm Mr I Rice of Winthrop moved, seconded Mr M McLerie of Booragoon –

Motion 5

A vote of no confidence in the CEO of City of Melville due to pending enquiry (sic) and the lack of acknowledgement by the CEO regarding this matter and the unresolved issues of citizens of Melville surrounding this enquiry (sic).

At 8:44pm the motion was declared

CARRIED

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, Healthy and Safe New Year.

10. CLOSURE

There being no further business, His Worship the Mayor, R Aubrey, declared the meeting closed at 8:44pm.